

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70017 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- GRIYAK District- Nalanda

MD. NIYAJ @ NIYAJ ALAM son of Md. Sarfaraz Village- Maira Ps-
Katrisarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Giriyak (Katrisarai) P.S. Case No. 47 of 2023 registered for the offences punishable under Sections 419, 420, 467, 468 and 471 of the I.P.C. and under Sections 66(c)/66(d) of the I.T. Act.

3. As per prosecution case, petitioner and others are alleged to have cheated the people by means of mobile. It is further alleged that the police team apprehended one of the co-accused Vikash Kumar who disclosed the name of petitioner and other who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner was not apprehended at the place of occurrence. Except disclosure of co-accused Vikash Kumar, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the possession of the petitioner. Moreover, on similar allegation, co-accused Chandan Kumar has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc.No. 45610 of 2023 and on the principle of parity, the present petitioner is also entitled for the same treatment. In the light of the aforesaid submission, no case is made out against the present petitioner. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted anticipatory bail and on the principle of parity the petitioner above-named, in the event of his arrest or



surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Giriyak (Katrisarai) P.S. Case No. 47 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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