

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11850 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Niraj Kumar S/O Late Shiv Narayan Sah R/O Mohalla- Aliganj, Gangti Road,
P.S- Mojahidpur (BABARGANJ), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mojahidpur P.S. Case No. 261 of 2023 instituted for the offence
under Sections 467, 468, 406, 420 & 34 of the Indian Penal
Code. Earlier prayer for grant of anticipatory bail of the
petitioner was dismissed as withdrawn *vide* order dated 30-11-
2023, passed in Cr. Misc. No. 72439 of 2023 with a direction to
surrender before the court below within a period of six weeks
and seek regular bail.

3. As per prosecution case, petitioner is the owner of
Sri Ayurveda Ashram and the company prepares sex related
medicines, which are advertised via new papers and on the



pretext of registration Rs. 5,000/- to 10,000/- was embezzled.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06-12-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application and he has been acquitted in this case.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner was not arrested on the spot and nothing has been recovered from the conscious possession of the petitioner. Seizure list is not prepared in accordance with law. Charge sheet has already been submitted in this case. Other co-accused has been allowed bail by a Co-ordinate Bench of this Court vide order dated 09-11-2023, passed in Cr. Misc. No. 72768 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Mojahidpur
(Babarganj) P.S. Case No. 261 of 2023 subject to the
following conditions:

(I) One of the bailors shall be own/close member of the
family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on
two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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