

## IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VII, DANAPUR.

Present: Kumar Gunjan

**Regular Bail Petition No. 191 of 2026**

(Arising out of Neora P.S. Case No. 179 of 2025)

Vivek Mishra ..... Petitioner

Vs

The State of Bihar ..... Prosecution

**12.03.2026**

This regular bail petition has been filed on behalf of petitioner namely 1. Vivek Mishra aged about 24 years son of Shashi Prakash Mishra who is in judicial custody since 04.01.2026 in connection with Neora P.S. Case No. 179 of 2025 for the offences u/s 316(2), 318(4), 306, 303(2), 3(5) of BNS.

Apart from pleading innocence, false implication and clean antecedent the Ld. Counsel for the petitioner has submitted that petitioner was never an employee of S.S. College of Teacher Education, neither in the past nor at present. The petitioner has no employment relationship, contractual or otherwise with the said educational institution. The main allegations in the FIR are not directed against the petitioner but against one Sachin Mishra. The money which was received in the petitioners bank account were being operated and controlled entirely by Sachin Mishra, not by the petitioner. The amounts received in the petitioner's account were being converted into cash and delivered to the informant/college by Sachin Mishra. In the light of the above submissions, Ld. Counsel prayed to enlarge the petitioner on bail.

The learned A.P.P. for the State as well as Ld. Counsel for the College vehemently opposed the prayer for bail of the petitioner.

Heard both sides and perused the record. There is allegation against the petitioner is that he has illegally obtained money from the students in his account through online transfer or UPI transfer for which none of the students were granted any receipts. The petitioner is nephew of main accused Sachin Mishra in whose account Rs. 4,15,500/- is said to have been obtained from the students. He is not an employee of the college and thus not a public

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servant. Therefore offence under Section 316(5) is not attracted against him and rest all other sections are punishable for less than seven years of imprisonment but the I.O. has not complied with the directions passed by the Hon'ble Court in the case of Hon'ble Apex Court in **Arnesh Kumar vs. State of Bihar** and Hon'ble High Court in **Naushad Anshari vs. State of Bihar** not issued any notice under Section 35(3) of B.N.S.S. The money in the account of this petitioner has been allegedly taken by the main accused Sachin Mishra who is uncle of this petitioner. The petitioner has remained in judicial custody since 04.01.2026. Therefore I find it in the interest of justice to enlarged the petitioner on bail. Accordingly his prayer for bail is **allowed**.

Hence petitioner is directed to be released on furnishing bail bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of the trial court. However petitioner is directed to present before the court on each and every date and co-operate in trial and in case he fails to remain physically present for two consecutive dates or lingering the trial in any manner then petitioner shall make himself liable for cancellation of his bail.

Let a copy of this order be sent to the trial court for information and needful.

(Dictated)

Sd/-

**(Kumar Gunjan)**Addl. Sessions Judge VII,  
Danapur