

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13674 of 2015

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1. Raj Kumar Sah @ Raj Kumar son of Late Janak Sah
2. Kamalu Sah Son of Ramchandra Sah resident of village- Minapur Center,
Police Station- Minapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-04-2015 Heard learned counsel for the petitioners and the state.

The present application has been filed for modification
of order dated 23.2.2015 passed in Cr. Misc. No. 33869 of 2014.

It appears that two petitioners namely Raj Kumar Sah alias
Raj Kumar and Kamalu Sah prayed for grant of anticipatory bail vide
Cr. Misc. No. 33869 of 2014 in connection with Minapur P.S. Case No.
191 of 2014 registered under sections 272,273,171F,419,420 and
120B/34 IPC and section 47(a) of the Excise Act.

During the pendency of Cr. Misc. No. 33869 of 2014
petitioner no. 1 Raj Kumar Sah alias Raj Kumar was apprehended
but due to inadvertence submission was made that petitioner
Kamalu Sah has been arrested, as such, in order dated 23.2.2015,
it was recorded that petitioner Kamalu Sah has been arrested.

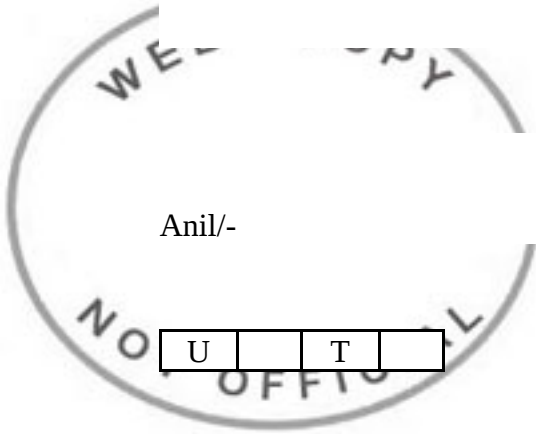
From the house of Kamalu Sah, Arun Kumar was apprehended who disclosed that on the order of petitioner Raj Kumar Sah he was preparing liquor when from the house of petitioner Kamalu Sah, 540 sachets of decoding powder, one liter spirit, three meters cloth, 240 pieces of empty bottles and 100 liters of thinner were recovered.

It is submitted by learned counsel for the petitioners that the petitioners run a printing press and the seized articles were kept for use in the press. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

In the circumstances, order dated 23.2.2015 passed in Cr. Misc. No. 33869 of 2014 is modified to the extent that instead of petitioner Raj Kumar Sah alias Raj Kumar, petitioner Kamalu Sah be directed to be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

The order dated 23.2.2015 passed in Cr. Misc. No. 33869 of 2014 stands modified to the extent indicated above.

The modification application stands disposed of.



(Dinesh Kumar Singh, J)