

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31614 of 2016

Arising Out of PS.Case No. -137 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Sunil Kumar Gupta @ Sunil Kumar, son of Late Kisun Sah, resident of
village- Nawanagar, P.S.- Biddupur, District- Vaishali. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party : Mr. Sri Anish Chandra (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-09-2016

Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Durgawati
P.S Case No. 137 of 2016 registered for the offences punishable under
Sections 341, 342, 166, 379, 384, 386, 389, 506/34 of the Indian Penal
Code and section 65(b)(c) Bihar Excise (Amended) Act 2016.

The informant alleged that he along with his friends was
going to Kolkata on Swift car, bearing registration No. PB12L-2021,
which was intercepted by police and one bottle of liquor is shown to
have been recovered from the car of the petitioner and for that the
police officials demanded bribe, one star person was, Arun Kumar, and
two star person was, Chandradeo Prasad, but two other persons went
along with informant to withdraw money from ATM and after
withdrawing money, the informant handed over Rs. 25,000/- to two star
police official.

It is submitted that the petitioner is poor driver of the
Excise Department. He was duty bond and was obeying the instruction

of the Excise Officials. He has got no role either in taking the money or demanding the bribe. One star person namely Arun Kumar has been allowed pre-arrest bail vide Cr. Miscellaneous No. 29864 of 2016 and the petitioner being poor driver is suffering in custody since 24.05.2016. He has given his statement recorded under section 164 Cr.P.C. also wherein he has stated truth and has become prosecution witness and, as such, now he deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that according to Sub-clause (4) to Section 306 of the Cr.P.C., such person shall not be released on bail till termination of the trial unless earlier he was on bail.

In the facts and circumstances stated above, considering the limited role of the petitioner now, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial magistrate, District- Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 137 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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