

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38242 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -PIRO District- BHOJPUR

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1. Bithal Sao @ Bithal Sah, Son of Late Radha Sao, Resident of Village-Sambhal Tola, P.S.- Piro, District- Bhojpur. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 29-09-2016

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

The petitioner seeks bail in connection with Piro P.S. Case No. 120 of 2016 registered for the offences punishable under Sections 272, 273, 420 of the Indian Penal Code and Sections 47 (a) and 57 of Bihar Excise (Amendment) Act, 2016.

Allegedly, from the Dalan of the petitioner 316.8 liter of illicit country made liquor was recovered.

Submission is of false implication and that the petitioner and his son both have been made accused in this case. The petitioner is aged about 81 years and he is unable to move, he is suffering in custody since 17.06.2016 having no criminal antecedent, another co-accused Sanoj Sao who is the son of the petitioner has been admitted to bail vide order dated 20.08.2016 passed in Cr. Misc. No. 34610 of 2016 and as such the petitioner

deserves sympathetic consideration to which learned APP submits that co-accused has been allowed bail by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1, Ara in connection with Piro P.S. Case No. 120 of 2016, subject to the conditions that one of the bailors must be a 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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