

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58641 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -NAYAGAON District- SARAN

1. Raka Rai @ Rakesh Rai, Son of Gaya Rai.

2. Doman Rai, Son of late Mahesh Rai.

Resident of Village-Bariyar Chak, Police Station-Nayagaon,
District-Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.

For the Opposite Party/s : Mr. U.S.P.Singh (A.P.P.)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 01-02-2016 Heard learned counsel, appearing on behalf the
petitioners, and learned Additional Public Prosecutor,
appearing on behalf of the State.

This application for grant of anticipatory bail
arises out of Nayagaon P.S. Case No.95 of 2015, disclosing
offences under Sections 272 and 273 of the Indian Penal
Code and Section 47 (a) of the Bihar Excise Act.

According to the prosecution case, 55 liters of
illicit country made liquor was recovered from a lonely

place. Allegedly, when the police reached at the spot, the persons, engaged in the business of illicit country made liquor, started fleeing away. The Chowkidar of the village is said to have identified these two petitioners amongst those, who had fled away from the spot.

Learned counsel, appearing on behalf of the petitioners, submits that there is no material against them over and above the allegation that the Chowkidar had seen the petitioners, while they were fleeing away. He further contends that in course of investigation, the same Chowkidar has said before the police that he was not able to identify the persons, who were fleeing away.

Considering the submissions advanced on behalf of the petitioners, as aforesaid, this application is allowed. Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Chapra**, in connection with **Nayagaon P.S. Case No.95 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioners, abovenamed, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

This is further subject to the condition that if the petitioners are found indulging in such activities in future, the State shall be at liberty to approach this Court for cancellation of bail, granted to the petitioners in the present case.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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