

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35689 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Santosh Kumar Shrivastav, Son of Umesh Prasad Shrivastava,
2. Lal Babu Mukhiya Son of Langru Mukhiya, Both R/o Mim Barharwa,
P.S.- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-08-2017 The petitioners are in custody since 18.04.2017 in connection with Kundwa Chainpur P.S. Case No. 58 of 2017, registered for offences punishable under Sections 323, 353 and 34 of the Indian Penal Code.

Allegation against the petitioners is of recovery of 63 liters of Nepali Sofia liquor and further allegation is that petitioner No.1 has assaulted the Assistant Commandant.

It has been submitted on behalf of the petitioners that the petitioners, who are said to be of clean antecedent, are innocent and have not committed any offence and they have falsely been implicated in this case. In fact, an scuffle took place between the parties but the allegation of assault against the petitioner No.1 is totally false and concocted. The petitioners have been rotting in custody for about four months.



Heard learned A.P.P. also.

Having heard both the sides, considering the facts and circumstances of the case, as stated above, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarhana, East Champaran in connection with Kundwa Chainpur P.S. Case No. 58 of 2017, with following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make himself available on each and every date before the court concerned and on the event of failure on their part to appear before the court below on any date without showing any genuine reasons and if their active participant is found in near future in such type of cases, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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