

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5460 of 2017

Arising Out of PS. Case No. -317 Year- 2016 Thana -KESARIA District- EASTCHAMPARAN
(MOTIHARI)

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Jokhan Paswan Son of Ramdev Paswan, Resident of Village- Hussani,
P.S. Dumaria Ghat, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-02-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 21.11.2016 in connection with Kesariya P.S. Case No. 317 of 2016 for the offences alleged under Sections 272/273 and 290 of the Indian Penal Code and Sections 37(A) (B) (c) (d) of the Bihar Excise (Amendment) Act, 2016.

3. It is submitted that the petitioner has been falsely implicated as even according to the first information report, recovery of 80 litres of toddy was made from the hut of co-accused namely, Punyadeo Mahto and Sudhist Mahto. It is stated that no recovery has been made from the conscious possession of the petitioner. The petitioner claims clean antecedents and has already suffered custody of more than two months.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Motihari, District



East Champaran in connection with Kesariya P.S. Case No. 317 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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