

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8891 of 2017

Arising Out of PS.Case No. -428 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Nand Kishor Mishra @ Nand Kishore Mishra, son of Late Hiralal Mishra, R/o Jadu Bans Nagar, P.S. Chash, in the district of Bokaro (Jharkhand).
 2. Sonu Malakar @ Shonu Malakar, son of Sukhdeo Malakar, R/o Ram Nagar Colony, P.S. Chash, in the district of Bokaro (Jharkhand)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Subodh Kumar Barnwal, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-02-2017 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 26.10.2016 in connection with Barachatti P.S. Case No. 428 of 2016 for the offences alleged under Sections 272/273/120(B) of the Indian Penal Code and Sections 30(a)/32(2)/38/47 of Bihar Excise Prohibition Act, 2016.

3. It is submitted that the petitioners have been falsely implicated and in any event being merely the driver of the vehicle from which the recovery is alleged to have been made, nothing was recovered from the conscious possession of the petitioner no. 1. There is no specific accusation against petitioner no. 2 who merely happens to be present in the vehicle. Other co-



accused namely Arvind Kumar Singh and Munna Singh @ Anup Kumar Singh who are said to have been sitting in Indigo car and escorting the vehicle of the petitioners have been granted bail by this Court in Cr. Misc. No. 53751 of 2016. Petitioners claim clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Barachatti P.S. Case No. 428 of 2016, on the following conditions:-

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

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Md. Ibrarul/Chandran

(Vikash Jain, J)

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