

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.437 of 2017

Arising Out of PS.Case No. -285 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Budhayee Paswan Son of Brahm Deo Paswan,
2. Shamsul Mian, Son of Rozaddin Mian, Both R./o Village- Kesariya
Kachhariya Tola, Police Station- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-01-2017 The petitioners are in custody since 24.10.2016 in connection with Kesariya P.S. Case No. 285 of 2016, registered for offences punishable under Sections 272, 273, 290 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that though it is alleged that 50 litres of toddy was recovered from petitioner no. 1 and 100 litres of toddy was recovered from petitioner no. 2, however, the place from which the alleged recovery has been made does not belong to these petitioners rather the petitioners were only the passer by and on the basis of suspicion, they have been implicated in the present case and they have been in judicial custody since 24.10.2016.



Heard learned A.P.P. also.

Having heard both sides, in view of the fact that alleged toddy has not been recovered from the conscious possession of the petitioners and also that the petitioners have no criminal antecedent and have remained in custody for three months, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, East Champaran at Motihari, in connection with Kesariya P.S. Case No. 285 of 2016, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioners will cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the



prosecution is free to move for cancellation
of their bail.

(Vinod Kumar Sinha, J)

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