

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44128 of 2017
Arising out of P.S. Case No.41 Year-2017 Thana- Manjhi District-
Saran

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Thakur Chaudhary S/o Late Bihari Chaudhary R/o Village-
Fatehpur P.S.-Manjhi, District-Saran at Chapra.... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s: Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 02-11-2017 Heard learned counsel for the petitioner and the State.

This application has been for modification of the order dated 19.08.2017 passed in Cr. Misc. No. 38806 of 2017 by which the petitioner was granted bail. However, the court below was directed to verify whether petitioner has any criminal antecedent or not prior to filing of affidavit in the bail application and in case any criminal antecedent was found the court below was directed not to release the petitioner on bail.

It is contended on behalf of the petitioner that petitioner's involvement was found in one more case of similar nature being Manjhi P.S. Case No. 37 of 2017 lodged under Section 30(A) of Bihar Prohibition & Excise Act, 2016 in which he has already been granted bail. It is further contended that the petitioner has already remained in jail custody for about two and



half months even after getting the grant of bail vide order dated 19.08.2017 and, therefore, the total period of incarceration is about six months. It is urged that inadvertently aforesaid case could not be mentioned in paragraph 3 of the bail application. It is further submitted that petitioner has already been granted bail in that case.

Considering the facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saran at Chapra in connection with Manjhi P.S. Case No. 41/2017, with a condition that one of the bailors must be a close relative or family member of the petitioner who shall file affidavit before the concerned court giving complete genealogy to show his/her relationship with him.

The order dated 19.08.2017 passed in Cr. Misc. No. 38806 of 2017 stands modified to the extent as indicated above.

Accordingly, this modification application stands allowed.

(Dr. Ravi Ranjan, J)

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