

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13163 of 2017

Arising Out of PS.Case No. -347 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Rajesh Choudhari @ Rajesh Pasi,
2. Sanoj Choudhari @ Sanoj Pasi, Both are sons of Late Nandjee Choudhary @ Nandjee Pasi, R/o Village- Khajurbani Ward No.25, P.S.- Gopalganj, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 29-03-2017 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are in custody since 19.08.2016 in connection with Gopalganj Town P.S. Case No. 347 of 2016 for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 57 of the Bihar Excise Amendment Act, 2016.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of two plastic jars containing 50 litres of country made liquor from the house of the petitioner no. 1, while no recovery has been made from the possession of the petitioner no. 2. Similarly situated co-accused Chhathu Choudhary @ Chhathu Pasi @ Chhathu Chauhan, Kundan Kumar and Kailashi Devi have been granted bail by this Court in Cr. Misc. No. 6386 of 2017, Cr. Misc. No. 11828 of 2017 and 11224 of 2017 respectively.

4. Having regard to the entirety of the facts and circumstances of the case as well as the period of custody since



19.08.2016 already suffered by the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 347 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 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.

(iv) 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.

(Vikash Jain, J)

Chandran/BT

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