

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56382 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -KANHAULI District- SITAMARHI

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1. Kishan Sah, Son of Hulas Sah
2. Sanjit Sah, Son of Pragas Sah @ Ram Pragas Sah, Both resident of
Village- Muhchatti, Police Station- Kanhauli, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kanhauli P.S. Case No.
53 of 2017 instituted for the offence under Sections 273/34 of the
Indian Penal Code.

It is alleged in the written report that while the police team
was on patrolling duty, they got confidential information about
transportation of Nepali Liquor through Muhchatti Kachhi Sarak, then
they reached there and saw 6-7 persons were coming carrying a bora
on their head. They tried to flee away on seeing the police parties. Two
accused persons were apprehended, who disclosed that the seized liquor
belongs to the petitioners.

Learned counsel for the petitioners has submitted that
petitioners are falsely implicated in this case due to dirty village
politics. Nothing has been recovered from their conscious possession.



Petitioners have no criminal history.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kanhauli P.S. Case No. 53 of 2017 to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Sitamarhi subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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