

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32303 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -HARLAKHI District- MADHUBANI

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Dharamveer Mukhiya Son of Shanichar Mukhiya, resident of Village-
Fulher, P.S. Harlakhi, District- Madhubani, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate.

For the Opposite Party/s : Mr. Sri Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 12-06-2018 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner is seeking regular bail in Harlakhi P.S.
Case No. 87 of 2017 (G.R. No. 503/2017) registered under
Sections 272 and 273 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
perusal of the First Information Report which has been lodged by
a Sub Inspector of Police of Harlakhi Police Station it would
appear that the petitioner has been implicated in the present case
only on suspicion. It is submitted that the petitioner was not
arrested by the police party while allegedly carrying illicit liquor,
the allegation is based on mere suspicion only because he had
been accused in two others cases. It is submitted that the petitioner



is on bail in those cases but has been taken on remand in the present case. He is in custody since 09.02.2018.

Learned A.P.P. for the State is present and submits that the petitioner seems to have got involved in two other cases.

Considering the facts and circumstances of the case and perusal of the First Information Report, I find that the informant had got some prior confidential information about the petitioner visiting the area from the Nepal side; however, the informant says that the petitioner finding the police party had fled away towards the Nepal side taking advantage of darkness.

The submission of the learned counsel for the petitioner that the petitioner has been made accused on mere suspicion only because he had been earlier involved in two other cases persuade me at this stage to accept his plea for purpose of grant of regular bail.

Considering that the petitioner is in custody for about four months, let the petitioner, named above, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 87 of 2017, G.R. No. 503 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. and



that one of the bailers would be a family member of the petitioner having no criminal antecedents and the petitioner shall be obliged to report to the Investigating Officer from time to time in course of investigation and shall also be present on the date fixed in the trial court as and when required for early conclusion of the trial. Failure of the petitioner to abide by any of the conditions would entail cancellation of bail by the court below without waiting for any application to be filed by the prosecution.

(Rajeev Ranjan Prasad, J)

Dilip/Anjula.

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