

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2407 of 2019

Arising Out of PS. Case No.-800 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

Dhannu Bind @ Dhannu Vind, 35 years, Male, S/O Late Sajjan Bind,
Resident of Village- Chando Ruiyan, P.S.- Bhabua, District - Kaimur
(Bhabua) ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Mishra, Adv.
For the Opposite Party : Mr. Amarendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 21.11.2018 in connection with Excise Case No. 1009 of 2018 arising out of Bhabua P.S. Case No. 800 of 2018 for the offences alleged under Sections 341, 448 and 354B of the Indian Penal Code and Section 37(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant, is that the petitioner came to his house at 8 o'clock in the evening in drunken condition and started misbehaving with his wife. On alarm people gathered.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It is, further, submitted that no offence has



been committed and petitioner undertakes not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and in one more case, i.e., Bhabua Mahila P.S. Case No. 60 of 2015 he had committed the same offence and the charges have been framed in that case after commitment and the victim lady has supported the prosecution case.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No. 1009 of 2018 arising out of Bhabua P.S. Case No. 800 of 2018 to the satisfaction of the learned Special Judge (Excise), Kaimur at Bhabhua, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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