

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2258 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- KALYANPUR District- East Champaran

1. Antosh Singh, 25 years age male son of late Late Manibhusan Singh Resident of Village-Madhapur Damo, P.S.- Kalyanpur, District- East Champaran
2. Santosh Singh, 26 years, Male son of Late Manibhushan Singh Resident of Village-Madhapur Damo, P.S- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP-166

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 30.10.2018 in connection with Kalyanpur P.S.Case No.246 of 2018 for the offence alleged under Sections 353 and 34 of the Indian Penal Code and Sections 37(c) and 45 of the Bihar Prohibition and Excise Act.

The prosecution case as lodged by the police personnel is that on secret information that the petitioners are in an intoxicated condition reached the place of occurrence, then the petitioners also abused the ASI and constable and also pushed them. On verification, in Kalyanpur PHC, alcohol was found in the body of the petitioners.

It has been submitted by the learned counsel for the



petitioners that they are innocent and nothing has been recovered from the conscious possession of the petitioners and allegation is false and baseless. He submits that just because the petitioners have a criminal history they have been implicated in the aforesaid case. He further submits that the petitioners are on bail in all cases and undertake not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have clean antecedent and in some cases are involved in similar offence.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Kalyanpur P.S.Case No.246 of 2018 to the satisfaction of Special Judge, Excise Act, East Champaran, Motihari subject to the following conditions:-

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

(ii) Petitioners 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 petitioners 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)

B.Kr./-

U			
---	--	--	--

