

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5619 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- TARAIIYA District- Saran

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1. Kishore Manjhi @ Kishore Paswan, son of late Basu Manjhi @ Basi Manjhi Resident of village- Pokhrera, P.S- Taraiya, District Saran (Chapra)
 2. Rita Kumari, wife of Kishore Manjhi @ Kishore Paswan Resident of village- Pokhrera, P.S- Taraiya, District Saran (Chapra)
 3. Sita Devi, wife of Jagdish Manjhi Resident of village- Pokhrera, P.S- Taraiya, District Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 272, 273, 188, 147, 148, 149, 341, 323, 353, 307, 427, 504, 506 IPC read with Sections 30, 30(a), 38, 41 of the Bihar Excise and Prohibition Act, 2016 (hereinafter referred to as 'the Excise Act, 2016') registered in connection with Taraiya P.S. Case No. 246/2018.

3. It is submitted that the petitioners have been falsely implicated and have no concern with the alleged recovery of country made wine (spirit). As regards the petitioner nos. 2 and 3, it is submitted that even on perusal of the FIR no offence whatsoever, has been made under the Excise Act, 2016, as they are simply said to have attempted to help the co-accused persons escape from the police.

4. Be that as it may, in the event of arrest or surrender by petitioner nos. 2 and 3, before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 and 3, be released on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, Excise, Chapra (Saran), in connection with Taraiya P.S. Case No. 246/2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 2 and 3.

ii. That the petitioner nos. 2 and 3 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 2 and 3 shall co-operate 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. The petitioner nos. 2 and 3 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.

5. As regards petitioner no. 1, learned counsel for the petitioners has not been able to make out a case and therefore, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Bail petition as against him stands dismissed.

6. If the petitioner no. 1 surrenders and seeks regular bail before the learned Court below the same shall be considered on its own merit in accordance with law on the same day, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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