

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8992 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- NAYAGAON District- Begusarai

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1. SUSHIL KUMAR SINGH @ SUSHIL SINGH, son of Late Kishun Singh @ Late Ram Kishun Singh
 2. Sumit Kumar Singh @Sumit Kumar@ Nunu Singh @ Nunu, son of Late Kishun Singh @ Late Ram Kishun Singh
 3. Ram Murti @ Ram Muurti Singh @ Sunny Singh @ Sunny, son of Late Kishun Singh @ Late Ram Kishun Singh
- All Resident of Village - Balahpur, P.S. - Nayagaon, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioners. No one appears for the State to oppose this application.

Petitioners are seeking anticipatory bail in connection with Nayagaon P.S. Case No. 64 of 2018 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In course of argument, it appears from the record that in the seizure list it is stated that the recovery has been made from the room of the petitioner no.3.

Learned counsel for the petitioners submits that taking note of the allegations against petitioner no.3, he may be



permitted to withdraw this application as regards the petitioner no.3 with liberty to pray for regular bail on behalf of the petitioner no.3 within a period of four weeks from today in the court below.

It is further submitted that so far as petitioner nos.1 and 2 are concerned, they have been made accused only because they happen to be the brother of petitioner no.3 and the house in question is a Hindu family house in which all the brothers have got their undivided shares. It is submitted that on the face of the seizure list alleging recovery from the room of petitioner no.3, the petitioner nos.1 and 2 could not have been made accused in the criminal case.

Considering the facts and circumstances of the case wherein it appears from the seizure list that the recovery has been allegedly made from the room of petitioner no.3 and that the petitioner nos.1 and 2 have no criminal antecedent, in case of their arrest or surrender within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Begusarai in connection with Nayagaon P.S.



Case No. 64 of 2018. This will be subject to condition under Section 438(2) of the Cr.P.C.

In case, the petitioner no.3 surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered by the court below on the basis of the materials available on the record without being prejudiced by the order of this Court and the plea of the petitioner of the regular bail shall not be rejected only because the application for anticipatory bail on behalf of the petitioner no.3 has been withdrawn with the liberty aforesaid.

(Rajeev Ranjan Prasad, J)

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