

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37253 of 2019

Arising Out of PS. Case No.-463 Year-2018 Thana- MAJORGANJ District- Sitamarhi

KESHAV JHA @ RAJESH KUMAR, aged about 45 years, Male, Son of
Triveni Jha @ Hari Kishore Jha, Residence of Village- Sangram fandah, P.S.-
Riga, District- Sitamarhi ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Mishra, Adv.

For the Opposite Party : Mr. Meena Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 20-06-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
03.04.2019 in connection with Mejorgunj P.S. Case No. 463 of
2018 for the offences alleged under Sections 272 and 273 of the
Indian Penal Code and under Section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information the Bolero pick-up van
in which the petitioner and another co-accused, Narain Ram,
were present, was intercepted, but, the petitioner along with the
other co-accused fled away. On search, 1863 liters of Nepali
Saufi wine was recovered and the nearby villagers revealed the
name of the petitioner and other co-accused.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not apprehended on the spot and it



is only on the basis of his criminal antecedent and the disclosure of the name of the petitioner and other co-accused by the villagers, the petitioner has been made accused. He submits that nothing has been recovered from his physical conscious possession and one of the co-accused, who was along with the petitioner, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 9387 of 2019, dated 24.04.2019.

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 four more cases in which three are of similar nature are pending against the petitioner.

Considering the nature of allegations, the materials on record and that on similar allegation one of the co-accused has already been granted the privilege of bail, 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 Mejorgunj P.S. Case No. 463 of 2018 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Sitamarhi, or the successor Court, 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) 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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