

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63640 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- PATAHI District- East Champaran

1. RAJENDRA SAHANI Son of Agahanu Sahni @ Aghahnu Sahni Resident of Village - Sugapir, P.S.- Patahi, District- East Champaran
2. Lalan Sahani Son of Agahanu Sahni @ Aghahnu Sahni Resident of Village - Sugapir, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mrs.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 30(a), 38 and 45 of the Bihar Prohibition and Excise Act, registered in connection with Patahi P.S.Case No. 121 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the main accusation is against co-accused Virendra Sahani. The accusation against the petitioners is of attempting to help their brother Virendra Sahani to escape. It is submitted that, however, no accusation has been made under Section 353 IPC against the petitioners and, as such, the



accusations are improbable. It is further submitted that none has sustained injury and the accusation of assault by the petitioners on the police party is not corroborated. The petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, East Champaran, Motihari in Patahi P.S. Case No. 121 of 2019, 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 petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners 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) That the petitioners 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.

(Vikash Jain, J)

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