

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78730 of 2019

Arising Out of PS. Case No.-351 Year-2019 Thana- ATRI District- Gaya

Rahul Kumar, aged about 23 years, Son of Dhari Ram Resident at Village -
Pathraura, P.S.- Atri (Gehlore O.P.), Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Mishra

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with P.S. Atri (Gehlore O.P.) Case No. 351 of 2019 registered for offences under sections 414/34 of the Indian Penal Code and Section 37 (C) of the Bihar Prohibition of Excise reforms Act, 2016.

As per prosecution case, on receipt of secret information that a four wheeler theft Indica Victor with 3-4 persons are coming from Pathraura village, the police intercepted the vehicle and on demand of the document, the accused persons could not produce the relevant document and stated that it is a stolen vehicle. Santosh Kumar was in intoxicated condition but, the police did not find any



objectionable material from the vehicle.

Inasmuch as, learned counsel for the petitioner submits that the vehicle belongs to them, they are the owner of the vehicle and no illegal material has been recovered from their possession, merely on account of Santosh Kumar, having consumed some wine, the petitioner cannot be put behind the bar.

The petitioner is in custody since 5.8.2019.

Looking to the entire facts and circumstances of the case as also the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act Court, Gaya in connection with P.S. Atri (Gehlore O.P.) Case No. 351 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass



the order, including cancellation of bail bonds and (iv) the petitioner will report to the Atri (Gehlore O.P.) police station by 7th of every month for at least six months and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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