

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74070 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KESARIA District- East Champaran

1. Kodai Sahani, Son of Janki Sahani, Resident of Village - Sundrapur Malahi Tola, P.S.- Kesariya, District - East Champaran
2. Ramu Ray, Son of Chanar Ray, Resident of Village - Diliya Bajar Bijdhari, P.S.- Kesariya, District - East Champaran
3. Sikindar Sahani @ Sikindra Sahani, Son of Manegar Sahani Resident of Village - Sundrapur Malahi Tola, P.S.- Kesariya, 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 : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners in the present case are seeking regular bail in connection with Kesariya P.S. Case No.116 of 2019 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the petitioners have not been arrested from the place of occurrence and there is no recovery from their possession.



Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the petitioners have not been arrested from the place where the police party had raided and recovery is from open diara area without there being any identification of the land of the petitioners and no source of identification of these petitioners has been disclosed as also that these petitioners have no criminal antecedent and in case they are released on bail, there is no chance of their absconding or tampering with the prosecution evidence and further that the investigation is likely to be concluded within few days, this Court directs that on completion of investigation, let the petitioners above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge cum Special Judge, Excise, Motihari East Champaran in connection with Kesariya P.S. Case No.116 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the



commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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