

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83321 of 2019**

Arising Out of PS. Case No.-28 Year-2019 Thana- KUDHNI District- Kaimur (Bhabua)

1. MANISH KUMAR Son of Upendra Choudhary Resident of Village - Ram Nagar, P.S.- Muffasil, District- Buxar
2. Anish Kumar Son of Suryamani Singh Resident of Village - Sorathi, P.S.- Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      17-12-2019      Heard learned counsel for the petitioners and learned APP  
for the State.

The petitioners seek bail in **Kudhani P. S. Case No. 28 of 2019** instituted for the offence under Section(s) 115 and 400 of the Indian Penal Code and Section 25(1-b)a, 26 of the Arms Act and Section 30(a) of the Excise Act, 2016.

It is submitted by the petitioners' counsel that having no criminal antecedents, they have wrongly been implicated in the instant case. The alleged recovery of liquor is from the Splendor motorcycle. The petitioners are owner of Platina motorcycle. No arm has been recovered from the petitioners' possession and they have no concern with the alleged offence.



The learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts and the fact that petitioners are in custody since 4.11.2019, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the **Addl. Sessions Judge-3rd-cum Spl. Judge Excise,Kaimur at Bhabua**, in connection with **Kudhani P. S. Case No. 28 of 2019** subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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