

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18156 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- BARGAINIA District- Sitamarhi

DIPU YADAVA @ DIPU RAI Son of Late Mukti Rai @ Mukti Narayan Ray
Resident of Village-Masaha Narottam, P.S.-Bairgania, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hans Lal Kumar
For the State	:	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Hans Lal Kumar, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Bairganiya P.S. Case No. 92 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 504 and 353 of the Indian Penal Code and Sections 30(A) and 34 of the Bihar Prohibition and Excise Act, 2016.

The allegation, according to the prosecution, is that the Police upon secret information had apprehended two persons riding on a motorcycle and upon search 36 liters of illicit Nepali



Saufi wine was recovered and when they were being taken to the Police Station, the co-accused persons had surrounded the Police and abused them as also had set both the arrested persons free from the clutches of the Police. The petitioner is stated to be named in the FIR as the person alleged to have assaulted the Police.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner is having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 11.02.2020. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the parity of the case of the petitioner with that of the co-accused persons, who have



been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 92 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 92 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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