

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.20033 of 2020**

Arising Out of PS. Case No.-37 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-  
Patna

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UDAY KUMAR @ UDAY YADAV, Son of Sri Mahesh Prasad, Resident of  
Village - Hardayal Bigha, P.S.- Belchhi, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Manglam, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

3      06-07-2020                      The matter has been taken up through virtual Court  
proceeding.

Since the physical Court is not functional due to the  
present pandemic, Covid-19, the matter has been listed with  
defects.

Learned counsel for the petitioner undertakes to  
remove the defects within a period of three weeks on  
resumption of physical court proceeding.

In case of non-removal of the defects within the  
undertaken period, the office will place the matter before the  
Bench.

Heard learned counsel for the petitioner and learned  
APP for the State.



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 147, 148, 149, 353, 504 and 506 of the Indian Penal Code, 1860, Sections 141 and 152 of the Railway Act, 1989 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018, (hereinafter referred to as 'the Act').

The prosecution case as per the written report of Sudhir Kumar, Constable Railway Police Force submitted before the I/c State Rail Police is to the effect that on 18.03.2019 at 11.50 P.M., the informant and other railway police personnel during escort duty, in train No. 18622 UP, between Mokama station to Bakhtiyarpur station, found that the train was stopped and certain people were found unloading some bags and trolley bags containing illicit liquor from the train and when the informant and other RPF personnel tried to reach at the place, the miscreants started pelting stones on them and obstructed the informant to reach there by brandishing pistol on him, leading to registration of FIR against 20-22 unknown. During investigation, the name of the petitioner sprang up on the confession of co-accused, Sunny Kumar.

Learned counsel for the petitioner submits that the name of



the petitioner sprang up on the confession of co-accused, Sunny Kumar who has been granted bail vide order dated 06.07.2019, passed by the learned Special Judge, Excise, Patna in Special Case No. 3200 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in five other cases. In fact, there is no recovery from the conscious physical possession of the petitioner.

Learned APP for the State submits that the petitioner has criminal antecedent and his name sprang up on the basis of confessional statement of co-accused, Sunny Kumar.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused, Sunny Kumar, who has been granted bail by the learned Court below itself and there being no recovery from the possession of the petitioner, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Patna, in connection with Special Excise Case No. 3200 of 2019, arising out of Rail Bakhtiyarpur (Barh) P.S. Case No.37 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the



bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna, in connection with Special Excise Case No. 3200 of 2019, arising out of Rail Bakhtiyarpur (Barh) P.S. Case No.37 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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