

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18210 of 2020**

Arising Out of PS. Case No.-740 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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ROHIT KUMAR Son of Bindeshwar Singh Resident of Village- Iniyar, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs.Babita Kumari, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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

3 08-06-2020 The matter has been listed today for consideration through
Video Conferencing in view of the Nationwide Lockdown on account
of the Covid 19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

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

Petitioner seeks bail in Begusarai Mufassil PS Case No.
740 of 2018 registered under Sections 401, 414, 420, 467, 478, 471
and 120(B) of the IPC.

The prosecution case is that the police personnel
proceeded on some secret information that the petitioner with one
Sandhir Singh were planning to transport some illicit liquor on a
Bolero pick up vehicle. The allegation is that two persons started
fleeing away and managed to escape from the place where the Bolero
pick up vehicle was parked. The vehicle was found to be a stolen
vehicle. On identification by the village Chaukidar, the petitioner has



been named.

It is submitted by the learned Counsel for the petitioner that the petitioner has been implicated only on the basis of Chaukidar's identification at night. Further submission is that it is a case of false implication. The petitioner was not arrested on the spot, nor any incriminating material has been recovered from the petitioner. The other co-accused Sandhir Singh, also identified by the Village Chaukidar, has been allowed bail in Cr. Misc. No. 16273 of 2019. The petitioner is in custody since 24.1.2020. The petitioner is on bail in Mufassil PS Case No. 504 of 2018 and Balia PS Case No. 188 of 2018. Counsel for the petitioner submits that she is not aware whether the petitioner is on bail in Excise Case No. 66C2 of 2019.

Learned APP has opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Begusarai in Begusarai Mufassil PS Case No. 740 of 2018 subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

