

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22194 of 2020**

Arising Out of PS. Case No.-536 Year-2019 Thana- SAKRA District- Muzaffarpur

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SURAJ KUMAR @ ABHINAV KUMAR Son of Late Santosh Thakur
Resident of Village-Dholi Bazar, Police Station-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-08-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Sakara P.S. Case No.536/2019 registered for the offences punishable under Sections 420, 467, 468, 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the First Information Report when the police party raided the place where illicit liquors were being loaded, there were some



firing upon the police party. This petitioner is not the owner of the vehicles and there is no recovery of illicit liquor from his possession. His name has come as one of the persons who was involved in firing, but the fact is that the said allegation of firing is only concocted and baseless as no injury has been caused to any of the police personnel on the spot and no such allegation has been attributed to the petitioner. The petitioner has no criminal antecedent as stated in paragraph '3' of the application.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case wherein the name of the petitioner has transpired as one of the persons who had been allegedly involved in firing on the police, there is no allegation that any of the police personnel was injured and further that the petitioner is not the owner of the vehicles on which illicit liquors were loaded and seized by the police, let the petitioner above named who is in custody for about five months be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Excise Act, Muzaffarpur in connection with Sakara P.S. Case No.536/2019, subject to the conditions as laid down under Section 437(3) of the 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, or 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

