

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23494 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Rajesh Kumar, Son of Late Jai Narayan Singh, Resident of Shivanthpur, P.S. -
Vibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prahalad Kumar Bhagat, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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.

The petitioner seeks bail in connection with Bibhutipur P.S. Case No.9 of 2020 registered for the offence punishable under Section 272/273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

2149.635 litres IMFL is alleged to have been



recovered from the joint house of the petitioner.

It is submitted by the petitioner's counsel that the recovery is attributed to his brother Dinesh Kumar Singh. Merely because the recovery has been made from the joint property, the petitioner has been implicated in the present case. Co-accused Dinesh Kumar Singh has been enlarged on bail in Cr.Misc. No.11651 of 2020. The petitioner was not arrested from the house in question and has subsequently been arrested on 24.05.2020 and since then he has been in custody. Petitioner's counsel further submits that he is on bail in Bibhutipur P.S. Case No.270 of 2017 and the other cases mentioned in paragraph 3 of the bail application.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-cum-Special Judge, Excise Act, Samastipur, in connection with Bibhutipur P.S. Case No.9 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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