

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27923 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- BARAUNI District- Begusarai

SUDHIR RAI Son of Baidhnath Ray Resident of Village - Gaddopur,
Manpura ward no. 11 (Near Middle School), P.S.- Tajpur (N. H. Bangra OP),
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 14-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Dr. Kumar Uday Pratap, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

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



Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Barauni P.S. Case no. 428 of 2019, instituted for the offence under Sections 353, 414/34 of the I.P.C. Subsequently section 30(A) of the Bihar Prohibition and Excise Act, 2016 has been added.

One Hyva vehicle is said to have been taken away by three accused persons. The petitioner being informer has not cooperated with the investigation and therefore has also been made an accused.

It is submitted by the petitioner's counsel that the offences under section 414 of the I.P.C. and Section 30A of the Bihar Prohibition and Excise Act, even as per prosecution case, are not made out against the petitioner. At best, there is allegation of non- cooperation by the petitioner (informer).

The petitioner is in custody since 11.6.2020.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 the Addl. Sessions Judge- 2nd-cum
Special Judge Excise Act, Begusarai, in connection with
Barauni P.S. Case no. 428 of 2019, 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.

(Madhuresh Prasad, J)

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