IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28293 of 2020

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

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Manoj Yadav @ Mano Yadav S/o Rajdev Yadav Resident of Village-Gulabbagh, P.S.-Barh, District-Patna.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Jagdhar Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 09-11-2020 Heard learned counsel for the petitioner and learned A.P.P. for the State through video conferencing.

This relates to grant of bail on behalf of petitioner in Rail P.S. Bakhtiyarpur (Barh) P.S. Case No. 37 of 2019, registered for the offence under Sections 147, 148, 149, 353, 504, 506 of the Indian Penal Code, Section 141/152 of Railway Act and Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, on 18-03-2019 while the informant with police force for controlling ACP stopped the train no. 18622 UP, coming from Mokama to Bakhtiyarpur, it is alleged that 20-22 persons started unloading some trolly bags and bora, wherein it appeared like liquor inside the trolly and bora, and when informant alongwith other police rushed there,

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some persons, holding stones in their hand, and some were holding desi katta in their hand, threatened the police party not to disturb them and let them unloading aforesaid items. Thereafter, an FIR was lodged against unknown 20-22 persons.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. Name of the petitioner has come on the confessional statement of co-accused Sunny Kumar, who has already been granted bail by the court below itself. It is further submitted that no incriminating article has been recovered from the possession of the petitioner. Chargesheet has already been submitted and petitioner is in custody since 22-02-2020.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed.

Let the above-named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Rail P.S. Bakhtiyarpur (Barh) P.S. Case No. 37 of 2019 on the following conditions:

> "(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be

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cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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