

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34127 of 2020**

Arising Out of PS. Case No.-388 Year-2020 Thana- RAJAOLI District- Nawada

1. VIKENDRA KUMAR S/o Late Vijay Yadav Resident of Village- Gujhandi, P.S.- Jhumari Tilaiya, District- Kodarma (Jharkhand)
2. NITISH YADAV @ NITISH KUMAR S/o Ramlal Yadav Resident of Village- Gujhandi, P.S.- Jhumari Tilaiya, District- Kodarma (Jharkhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma,Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Arun Kumar Singh No. 5, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Rajouli P.S. Case No. 388 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that the informant who is the Sub-Inspector of Police during patrolling apprehended the petitioners riding on a motorcycle and recovered 94 liters of country made liquor.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. The petitioners are in custody since 20.08.2020 having no criminal antecedent and investigation against them is complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein these petitioners have remained in jail for 4 months in connection with the present case, they have otherwise no criminal antecedent, investigation against them is complete and the trial is not likely to be concluded in near future and there being no submission on behalf of the State that their release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each, to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Nawada in connection with Rajouli P.S. Case No. 388 of 2020, 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, of 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 they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

U		T	
---	--	---	--

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'.

