

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84910 of 2019

Arising Out of PS. Case No.-802 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. AJAY KUMAR S/o Harendra Sahni R/o village- Barauli, P.S.- Barauli,
District- Gopalganj
 2. Ajay Kumar Mishra @ Ajay Kumar S/o Anirudh Mishra R/o village-
Sirisiya, Sasamusa, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-01-2020 Learned counsel for the petitioners is permitted to

make correction in paragraph 16 of the petition with regard

to the date of arrest and remand in custody in course of the

day.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

The petitioners in the present case are seeking regular

bail in connection with Kanti P.S. Case No. 802/2019 registered

under Sections 393/506 of the Indian Penal Code and Section

37(C) of the Bihar Prohibition & Excise Act, 2018.

Learned counsel for the petitioners submits that there

was a quarrel between the driver of the Scorpio Vehicle and the

Nozal man at the petrol pump and these petitioners along with



the driver were handed-over to police by making false and flimsy allegations, there is no recovery of any fire-arm from their possession and the driver of the vehicle has been granted regular bail by learned coordinate Bench of this court in Cr. Misc. No. 81309/2019 vide order dated 18.12.2019 as also that these petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there had been quarrel between the driver of the Scorpio Vehicle and the Nozal man at the petrol pump which led to scuffle between the parties and these petitioners along with the driver were handed over to police by making false and flimsy allegations, there is no recovery of any fire-arm from their possession and the driver of the vehicle who was also arrested with these petitioners has been granted regular bail by learned coordinate Bench of this court in Cr. Misc. No. 81309/2019 vide order dated 18.12.2019 as also that these petitioners have no criminal antecedent save and except that the petitioner no. 2 was earlier made accused in one case has been acquitted in the said case, let the above-named petitioners be



released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Muzaffarpur, in connection with Kanti P.S. Case No. 802/2019, subject to the condition as laid down under Section 437(3) 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.

(Rajeev Ranjan Prasad, J)

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