

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22777 of 2021**

Arising Out of PS. Case No.-100 Year-2020 Thana- NARDIGANJ District- Nawada

VIKASH KUMAR @ BANDA SON OF SANTOSH @ BIGAN R/O
VILLAGE- GOTRYAN, P.S.- NARDIGANJ, DISTRICT- NAWADA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Tujabh Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 31-08-2021 At the outset, learned counsel for the petitioner seeks permission to make a correction in paragraph '3'. According to him the correct case number should be Nardiganj P.S. Case No. 230 of 2020.

Let the correction be carried out.

Learned counsel for the petitioner 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 petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Nardiganj P.S. Case No. 100 of 2020 registered for the offences punishable under Sections 341, 323, 379, 34 of the Indian Penal Code and Section 30(d) of Bihar Excise Act.

Learned counsel for the petitioner submits that as per the

prosecution story, the petitioner was preparing Mahua wine in the straw house of the informant. When the younger son raised alarm for the same then the petitioner indulged in scuffle with him. When the informant went to save him then mother and sister of the petitioner also started quarreling with them. It is also alleged that the petitioner snatched gold earrings and thereafter with the help of villagers the apparatus and materials used for preparing wine was brought to local police station and the same was handed over to police officer.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the alleged 10 kg mahua flower and apparatus of the petitioner rather it was produced in the police station by the informant. The petitioner is in custody since 11.11.2020.

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

Considering the facts and circumstances of the case, wherein this Court has noticed that the seizure list itself has been prepared when the alleged 10 Kg Mahua flower and the utensils were produced in the police station by the informant and the recovery is not made by police from possession of the petitioner, the petitioner has remained in custody in connection with this case since 11.11.2020, he has got one criminal antecedent but it is not of similar nature and in the said case the petitioner is said to be on bail, this

Court directs release of the petitioner above named on bail on furnishing of bail bonds 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 Nardiganj P.S. Case No. 100 of 2020.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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'.