

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27702 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- DUMRA District- Sitamarhi

SIKINDAR KUMAR S/o Late Jay Kishun Mahto Resident of Village-
Jagdishpur Ward No. 1, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

A supplementary affidavit has been filed. Let it be
taken on the record and the correction be accordingly carried out
in paragraph '1' and '3' of the main petition.

Heard learned counsel for the petitioner and Mr.
Rabindra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Dumra P.S. Case No.14 of 2021 registered for
the offences punishable under Section 414 of the Indian Penal
Code and Section 30(A) of the Bihar Prohibition and Excise
Act, 2016. He is in custody since 21.01.2021. The petitioner has
got one criminal antecedent.



The prosecution case in short is that the SHO of Dumra police station recorded his self-statement alleging therein that in the night of 09.01.2021 he got secret information that some persons were bringing illicit liquor in a pickup vehicle through Muchatti. On that information he along with other police party reached at the given place and started vehicle checking. At about 1.00 am, one pickup vehicle was seen coming and on seeing the police party the persons boarded in the pickup started fleeing away but on chase three of them were apprehended. The apprehended persons disclosed their names as Dharmendra Kumar, Diwakar Kumar and Sikindar Kumar (petitioner). They disclosed the name of co-accused Umesh Raut who had fled away from there. Thereafter in presence of two independent witnesses the vehicle was searched and total 1082 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged seized bolero and illicit liquor.

Learned counsel submits that the similarly situated co-accused Diwakar Kumar and Dharmendra Kumar have been



granted privilege of bail by learned coordinate Benches of this Court in Cr.Misc.No.26313 of 2021 and Cr.Misc.No.27301 of 2021 respectively. It is submitted that the petitioner is in custody in connection with this case 21.01.2021.

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

Having regard to the fact that the petitioner was arrested, he was in the bolero vehicle with two other persons who are co-accused Diwakar Kumar and Dharmendra Kumar, however, those two co-accused have been granted privilege of bail by learned coordinate Benches of this Court in Cr.Misc.No.26313 of 2021 and Cr.Misc.No.27301 of 2021 respectively, the petitioner claims himself similarly situated and this claim of the petitioner is not converted by learned APP for the State, he has further remained in custody since 21.01.2021 having one criminal antecedent and at this stage the investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Dumra P.S. Case



No.14/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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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'.

