

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38913 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- DEODHA District- Madhubani

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1. KAMAL KANT PANKAJ @ PANKAJ YADAV @ KAMAL KANT PANKAJ YADAV S/O JAI PRAKASH YADAV R/O VILLAGE-DUBIYAH, P.S-BISFI, DISTRICT-MADHUBANI.
 2. ANUJ KUMAR YADAV @ ANUJ KUMAR S/O LAL BABU YADAV R/O VILLAGE-MALMAL, P.S-KALUAHI, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Bhupendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Deodha P.S. Case No. 14 of 2021 corresponding to G.R. No. 255 of 2021 registered for the offence under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 63 liters of Nepali wine.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners but merely on the basis of suspicion, the petitioners, who are said to be labourer, have been made accused in this case. The petitioners are rotting in judicial custody since 13.02.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II -cum- Special Judge, Excise Act, Madhubani in connection with Deodha P.S. Case No. 14 of 2021/ G.R. No. 225 of 2021 with the following conditions:-

(1) Petitioners shall co-operate 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the



Court below.

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

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. 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.

(Rajesh Kumar Verma, J)

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