

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31197 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- AWTARNAGAR District- Saran

RAMAYAN RAI S/o Prabhu Rai, Resident of Village-Raharia Ghat Bajidpur,
P.S.-Doriganj, District-Saran (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-03-2021 Perused the report of the Superintendent of Police, Saran (Chhapra) as contained in Letter No. 90 dated 26.02.2021. It is reported that a departmental proceeding has been ordered against the I.O. and after final outcome of the same, appropriate action will be taken against the then S.H.O.

The I.O and the S.H.O. have explained to the Superintendent of Police that due to human error, signature of the seizure list witnesses could not be taken by the then S.H.O.

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

The petitioner in the present case is seeking pre-arrest bail in connection with Awatar Nagar P.S. Case No. 75 of 2020 registered for offences punishable under Sections 188, 273, 308 and 379 of the Indian Penal Code and Sections 30/30(A)/38 of



Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted before this Court that the seizure list does not inspire confidence and considering that the recovery of liquor has been made from another person and this petitioner is said to have been named by the apprehended accused in police custody, there being no criminal antecedent of the petitioner he deserves privilege of anticipatory bail.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner as also the fact appearing from the seizure list that there is no signature of any seizure list witness, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Awatar Nagar Police Station Case No. 75 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chhapra, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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.

This application is disposed of accordingly.

(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'.

