

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31034 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- RAJAPAKAR District- Vaishali

Surendra Singh Son of Sakaldeep Singh Resident of Village - Khilwat, P.S.-
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-01-2021 Let the defects be removed within four weeks.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
279/337/338/304A of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act.

According to FIR lodged by Dinesh Singh, a
motorcycle rider caused road accident and death of the father of
the informant. The fardbeyan was recorded on 19.07.2019 at
2:05 night.

It appears that on 18.07.2019 at 12:30 the police had
recovered country-made liquor from the said motorcycle. As
such, offence under the Bihar Prohibition and Excise Act was



clubbed with this FIR.

Learned counsel for the petitioner submits that since recovery of liquor is alleged before the present occurrence/FIR and till then there was no report of accident by the said motorcycle. Hence, whole allegation appears to be concocted one. The petitioner has got no criminal antecedent.

Considering the aforesaid infirmities and no direct material against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Rajapakar Police Station Case No. 174 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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