

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31185 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- AURAI District- Muzaffarpur

1. MOHAN RAI Son of Rajnandan Rai Resident of Village- Maheshwara, P.S.- Aurai, District- Muzaffarpur.
2. Vikash Kumar Son of Mohan Rai Resident of Village- Maheshwara, P.S.- Aurai, District- Muzaffarpur.
3. Manoj Kumar Son of Mohan Rai Resident of Village- Maheshwara, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-02-2021 Heard learned counsel for the petitioners and Mr. Ram Chandra Singh, learned A.P.P. for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Aurai P.S. Case No. 80 of 2020, G.R. No. 587 of 2020 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a), 56(ka), 56(kh) of Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that nothing incriminating has



been recovered from the house of these petitioners.

Learned counsel submits that the petitioner nos. 2 and 3 are sons of petitioner no.1 and they have been made accused only because of alleged involvement of his father (petitioner no. 1). It is submitted that the petitioner nos. 2 and 3 are student and they have no criminal antecedent.

Having regard to the facts and circumstances of the case, wherein the alleged recovery of illicit liquor has been made from the bathan of petitioner no. 1, this Court is not inclined to grant privilege of anticipatory bail to him. Prayer for anticipatory bail is, thus, refused.

In case, the petitioner no. 1 surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this Court.

Petitioner no. 2 has already been arrested and as such this application on his behalf has become infructuous.

So far as petitioner no. 3 is concerned, it is submitted that he has been made accused only because he happens to be the son of petitioner no. 1. Learned counsel also submits that petitioner no. 3 has got no criminal antecedent and he is a



student.

In the facts and circumstances of the case, wherein the petitioner no. 3 is said to have been made accused only because of alleged involvement of his father (petitioner no. 1), there is no specific allegation against him and he is said to be a student and otherwise he has no criminal antecedent, let the petitioner no. 3 in case of his arrest or surrender within a period of four weeks from today in connection with Aurai P.S. Case No. 80 of 2020, G.R. No. 587 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 Special Judge Excise Act, Muzaffarpur 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 stands 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'.

