

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46018 of 2021

Arising Out of PS. Case No.-394 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

SUNIL BIND S/o Pyare Bind R/o village- Dumariya, P.S.- Chainpur, District-
Kaimur at Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-12-2021 Supplementary affidavit has been filed on behalf of
the petitioner for making correction in the petition.

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

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Chainpur P.S.
Case No. 394 of 2019, Excise Case No. 832 of 2019 registered
for the offences punishable under Sections 147, 149, 341, 323,
504, 506, 353, 427, 379 of the IPC and Section 45 of the Bihar
Prohibition and Excise Amendment Act.

The prosecution case in short is that when a police
team after recovering alcohol arrested one Ram Pravesh Bind



and returning for police station, a mob of 35-40 persons obstructed the police team and started brick batting upon the police team. Further the mob forcibly snatched the seized liquor as well as arrested accused from the police custody. The mob forcibly took away the ignition key of police jeep and broke the windshield of the said vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that although petitioner is named in the FIR but there is no specific allegation against him. Learned counsel further submits that Chowkidar of the village has identified the petitioner. Petitioner has no concern with the seized liquor or with co-accused Ram Pravesh Bind. It is further submitted that charge sheet has been submitted in this case. Petitioner is in custody since 06.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd cum Special Judge, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 394 of 2019, Excise Case No. 832 of 2019, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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