

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47278 of 2021**

Arising Out of PS. Case No.-446 Year-2020 Thana- PURNEA SADAR District- Purnia

Pratosh Kumar @ Paritosh Kumar Sah @ Partosh Kumar @ Partosh Kumar
Sah Son of Vijay Sah Resident of Village- Hansda Road Pologram,
Gulabbagh, Ward No. 39, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-12-2021 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 Sadar P.S.
Case No. 446 of 2020, Special Excise Case No. 532 of 2020
registered for the offences punishable under Sections 341, 323,
504, 506, 290 of the Indian Penal Code and Section 37(C) of
Bihar Prohibition and Excise Act, 2016.

According to the prosecution case, in drunken position
the petitioner created nuisance.

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. It is further submitted that nothing has been recovered from conscious possession of the petitioner. He further submits that due to family dispute petitioner has falsely been implicated by the mother of the petitioner. Petitioner is in custody since 03.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three 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 Special Judge (Excise), Purnea in connection with Sadar P.S. Case No. 446 of 2020, Special Excise Case No. 532 of 2020, 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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