

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39426 of 2020

Arising Out of PS. Case No.-404 Year-2018 Thana- SAKRA District- Muzaffarpur

Rakesh Kumar Singh S/o Nand Kishore Singh R/o- Mohalla- Kanhauli, P.S.-
Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **12-02-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sakra Police Station (for
brevity, *PS*) Case No 404 of 2018 instituted for the offence
punishable under Sections 272, 273, 353, 307 of Indian Penal
Code, Section 27 of Arms Act and Sections 30 (a), 38 and 41 of
Bihar Prohibition and Excise Act, 2016.

The wife and brother-in-law of one Babua Don are
alleged to be indulging in trade of illicit liquor, as per secret
information received by the police. Some persons were arrested
from the place.

Petitioner's counsel submits that since petitioner's
motorcycle, which broke down, was found near the place of



occurrence, he has been implicated in this case, though his name has not surfaced in the First Information Report. The person, who was allegedly arrested from the place, while fleeing away, namely Ravi Kumar has been granted bail by this Court in Cr Misc No 74300 of 2018. Other co-accused persons, namely, Moti Jha, Bharat Bhushan Mishra @ Fauji @ Nikku and Avinash Kumar @ Kuchha have also been allowed bail by this Court in Cr Misc No 73826 of 2018, Cr Misc No 74361 of 2018 and Cr Misc No 72074 of 2018 respectively. The petitioner is in custody since 10.07.2020 upon his remand in this case from Mithanpura PS Case No 9 of 2020. Earlier, he has been made an accused in Excise Case No 57 of 2017.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Sakra PS Case No 404 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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