

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39225 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- HARLAKHI District- Madhubani

Rakesh Jha @ Rakesh Kumar Jha, Son of Kari Jha @ Devendra Jha, R/o
Village- Manpaur, P.S.- Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-02-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Harlakhi
P.S. Case No.75 of 2019 registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

90 litres *Nepali Saufi* wine has allegedly been
recovered from a motorcycle. Petitioner's implication is at the
instance of the informant who happens to be a *Chaukidar*.

Counsel for the petitioner submits that it is a case of
false implication. The *Chaukidar* himself is an accused in a
case under the Bihar Prohibition and Excise Act, bearing
Saharghat P.S. Case No.40 of 2018, in which he had earlier also
undergone custody. The petitioner has no concern with the



recovery. The motorcycle also does not belong to him.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in connection with Harlakhi P.S. Case No.75 of 2019, 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.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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