

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2135 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Sunil Kumar, Son Of Late Bhagya Narayan Sah, Resident Of Village -
Tengrari, P.S. - Siwaipatti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Siwaipatti P.S. Case No.46/2019 registered for the offences punishable under Sections 272, 273 and 120(B)/34 of the Indian Penal Code and Sections 30, 30(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. The petitioner is the brother of co-accused Lalit Kumar and recovery has been made from the plywood factory of said Lalit Kumar.



Learned counsel submits that the co-accused have been granted bail by learned coordinate Benches of this Court vide Cr.Misc.No.34950/2019, Cr.Misc.No.52719 of 2019 and Cr.Misc.No.59416 of 2019 (Annexure-3 series). It is submitted that the petitioner has no criminal antecedent and has remained in jail in connection with the present case since 07.10.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner has remained in jail in connection with the present case since 07.10.2020, he has no criminal antecedent and the co-accused have been granted bail by learned coordinate Benches of this Court vide Cr.Misc.No.34950/2019, Cr.Misc.No.52719 of 2019 and Cr.Misc.No.59416 of 2019 (Annexure-3 series), investigation against the petitioner is complete and there is no submission of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No.46/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

(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'.

