

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 876 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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UTTAM SAH son of Vigu Sah Resident of Village- Gour Bujurg, P.S.- G.B.
Nagar, District- Siwan

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-04-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

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

Petitioner seeks bail in G. B. Nagar PS Case No. 251 of 2020 registered under Sections 147, 148, 149, 341, 323, 325, 307, 353, 332, 333, 504 and 506 of the IPC and Section 45 of Bihar Prohibition and Excise Act, 2016.

The FIR alleges that the informant (Police Official) had gone to raid the premises of Dharmawati Devi, from where he received report regarding illicit liquor. The said Dharmawati Devi has called co-accused Sukul Kumar, Jugal Kumar, Baharan Rawat and Chunlal Kumar. It is alleged that all these persons have obstructed the police in discharge of their duty and also assaulted the police party.



Learned Counsel for the petitioner submits that even from the FIR it is evident that Dharmawati Devi had called nearly 150 – 200 people. The petitioner has been named without any specific role being attributed against the petitioner. The specific role of assault upon the police party is against Sukul Kumar, Jugal Kumar, Baharan Rawat and Chunlal Kumar. The petitioner has been named along with 150 -200 persons with general and omnibus allegation. He has no criminal antecedent and is in custody since 22.9.2020.

Learned APP has opposed the prayer for bail. It is submitted that the petitioner has obstructed the police in discharge of their duty.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Siwan, in G. B. Nagar PS Case No. 251 of 2020 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.

(Madhuresh Prasad, J)

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