

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2119 of 2021

Arising Out of PS. Case No.-163 Year-2019 Thana- SONBERSA District- Sitamarhi

MAHENDRA PANJIYAR Son of Raja Panjiyar Resident of Village-
Mohanpur, P.S.-Sonbarsa, District-Sitamarhi.

... .. Petitioner

Versus

STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-03-2021 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 Sonbarsa P.S. Case No. 163 of 2019 registered
for the offences punishable under Sections 272, 273, 414 of the
Indian Penal Code and Section 30(a), 38(2), 41(i) of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution story on secret information the
S.H.O. along with the police party raided the cattle shed
(bathan) of the co-accused. Upon seeing the police party two
persons fled away and on search a total of 1189.44 litres of
illicit liquor has been recovered from the said bathan.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has got no criminal antecedent and he is in custody since 04.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, in the nature of allegations and the petitioner is aged about 75 years who has already remained in jail in connection with this case since 04.10.2020, he has otherwise no criminal antecedent, investigation against him is complete and it is not the submission of the learned A.P.P. for the State that 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 of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 163 of 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.

This application stands disposed of accordingly.

(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'.

