

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8724 of 2021**

Arising Out of PS. Case No.-159 Year-2019 Thana- BATHNAHA District- Sitamarhi

MAHESH SINGH @ MAHESIA SON OF RAM EKWAL SINGH
RESIDENT OF VILLAGE- RANJEETPUR KOARI, P.S.- PUNAURA,
DISTRICT- SITAMARHI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate.

For the Opposite Party/s : Mr.Anant Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-04-2021

Learned Counsel for the Petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anant Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bathnaha P.S. Case No. 159 of 2019 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(A) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant stopped a car but the vehicle tried to escape but Police chased the vehicle and persons sitting inside the vehicle were apprehended. They disclosed their names as Bhagya Babu Rai and Shyam Sundar Singh and they



also disclosed the name of this petitioner and one other co-accused Ram Bharosh Thakur. On search of the said car total 74.535 litres of English wine was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has transpired as an associate of the apprehended accused Bhagya Babu Rai who has already been granted bail in Cri. Misc. No. 58305 of 2019. The petitioner is in custody since 22.08.2020.

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

Having regard to the facts and circumstances of the case wherein the name of this petitioner has transpired as an associate of apprehended accused, the co-accused Bhaygya Babu Rai has been granted bail in Cr. Misc No. 58305 of 2019, the petitioner is in custody in connection with the present case since 22.8.2020, investigation against him is complete and in the one case he is said to be on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II cum-Special Judge, Sitamarhi in connection with Bathnaha P.S. Case No. 159 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 verification.

The application stands allowed.

(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'.

