

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3003 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

1. RAM CHANDRA PRASAD Son of Late Laxmi Narayan Prasad Resident of Village- Panapur (O.P.), P.S.- Minapur, District- Muzaffarpur.
2. Kunal Kumar Son of Kaushal Kumar Resident of Village- Panapur (O.P.), P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners seek bail in a case registered for the offence under Sections 272, 273, 467, 468, 414, 120(B)/34 and 420 of the Indian Penal Code and Section 30(c)(d) of the Bihar Prohibition and Excise Act.

Recovery is of huge quantity of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who is of clean antecedent, are



innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the house or conscious possession of the petitioners. He further submits that petitioner No. 1 is the father of Rakesh Kumar whereas petitioner No.2 is nephew of Rakesh Kumar. He further submits that petitioner No.1 is an old person having age of 70 years. These petitioner have no concern with the alleged recovery. The petitioner is rotting in judicial custody since 11.11.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Brahmpura P.S. Case No. 290 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without



sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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