

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3878 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- MAIRWAN District- Siwan

RAMAYAN CHOUDHARY @ RAMAYAN YADAV S/o Sri Ramashraya
Choudhary Resident of Village- Barahan Gopal, P.S.- Siwan, Muffasil,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mairwa P.S. Case No. 299 of 2021 registered for the offence
under Sections 272, 273, 420 and 120(B) of the Indian Penal
Code and Section 30(a), 38(i), 41(1) of the Arms Act.

Recovery is of 1208.160 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered
from the conscious possession of the petitioner rather the
alleged recovery has been made from the co-accused. The
petitioner has not been arrested from the spot. The



petitioner has no concern with the alleged recovery. He further submits that the police has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Umesh Kumar Yadav and Jawahir Yadav have already been granted bail by this Court vide order dated 03.03.2022 and 07.03.2022 passed in Cr. Misc. No. 61919 of 2021 and Cr. Misc. No. 65021 of 2021 respectively. The petitioner is rotting in judicial custody since 07.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Special Excise Court No.01, Siwan in connection with Mairwa P.S. Case No. 299 of 2021 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers 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 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.

(Rajesh Kumar Verma, J)

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