

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4156 of 2022

Arising Out of PS. Case No.-453 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ROUSHAN KUMAR S/o Nagendra Ray @ Nagendra Rai R/v- Dadpur
Chaknoor, P.S.- Muffasil (Samastipur), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Samastipur (Muffasil) P.S. Case No. 453 of 2021, P.T. No.
730/2021 registered for the offences punishable under Sections
385, 387 of the Indian Penal Code and Section 37 (a) (d) of
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, one S.H.O. recorded his
self statement on 23.07.2020 alleging therein that for a few
days, photo/ video was going viral by organizing a liquor party.



Drinking alcohol and taking photos with pistol which was also sent on private mobile. On collecting the said information, it became clear that the accused persons are of criminal nature and they are trying to recover the extortion by creating an atmosphere of fear within the area but no one has raised any grievance in the police station due to fear of this. On verification the name of present petitioner has been surfaced along with other. Petitioner was apprehended and two other persons on motorcycle succeeded in running away from the place of occurrence. Mobile of petitioner was checked and photo with a liquor party and pistol was found in the photo gallery of his mobile.

Learned counsel for the petitioner submits that petitioner is in custody since 08.11.2021 and bears no criminal antecedent. From perusal of the FIR itself, it is clear that the offence under Sections 385 and 387 of the IPC has not been made out as no grievance has been raised in this connection by any of the person in that area. Entire allegation levelled against the petitioner is false. Nothing has been recovered from conscious or physical possession of the petitioner. Petitioner is just implicated in this case due to video of drinking alcohol which went viral on mobile. Charge sheet has been submitted in



the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge (Excise), Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 453 of 2021, P.T. No. 730/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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