

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71161 of 2021

Arising Out of PS. Case No.-225 Year-2021 Thana- KARJA District- Muzaffarpur

1. MAHESH PANDIT SON OF LATE DEVNARAYAN PANDIT R/O VILLAGE- BARKA GAON (TOLA BHNADRA) P.S- KARJA, DIST- MUZAFFARPUR
2. SAMBHU MAHTO SON OF LATE BHUWANESHWAR MAHTO R/O VILLAGE- BHARARA KALYANPUR, P.S- KARJA, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 161 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- KARJA District- Muzaffarpur

1. DHARMENDRA KUMAR Son of Late Bhajan Sahni Resident of Village - Barkagaon Tole Bharra , P.S.- Karja, Distt.- Muzaffarpur.
2. Ram Babu Sahni Son of Late Bhajan Sahni Resident of Village - Barkagaon Tole Bharra , P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 554 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- KARJA District- Muzaffarpur

SHIV SHANKAR MAHTO S/O LATE MAHENDRA MAHTO R/o village- Raksa West Tola, P.S.- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8460 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- KARJA District- Muzaffarpur



SONE LAL RAI Son of Bengdhari Rai Resident of Village - Raksa Peschim
Tola, P.s.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71161 of 2021)

For the Petitioner/s : **Mr.Nachiketa Jha**

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

(In CRIMINAL MISCELLANEOUS No. 161 of 2022)

For the Petitioner/s : Mr. Shyam Bihari Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

(In CRIMINAL MISCELLANEOUS No. 554 of 2022)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mrs.Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 8460 of 2022)

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Karja P.S. Case No. 225 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition & Excise Act.

As per prosecution case, there is alleged recovery of 55 litre illegal country made wine from the house of co-accused Bhushan Chaudhary and it is further alleged that



present petitioners were apprehended on the spot along with others.

Learned counsel for the petitioners submits that the petitioners are in custody since 13.11.2021 and they bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Nothing has been recovered from the possession of the petitioners. He further submits that co-accused Bhushan Chaudhary, against whom recovery has been made, has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 7697 of 2022. The case of present petitioners stands on better footing in comparison to the co-accused Bhushan Chaudhary. Co-accused Basdev Chaudhary who has apprehended on the spot, has also been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 7697 of 2022 and the case of present petitioners also stands on same footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, co-accused has been granted bail on similar footing and arguments advanced on behalf of the parties and also taking



into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Karja P.S. Case No. 225 of 2021, subject to following conditions:-

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

(ii) Petitioners 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 petitioners tamper 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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