

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11013 of 2022**

Arising Out of PS. Case No.-698 Year-2021 Thana- KAHALGAON District- Bhagalpur

NIBESH MANDAL @ RAMESH MANDAL Son of Lakhan Mandal
Resident of Village - Pannuchak, P.s.- Ghogha (Khalgaon), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kahalgaon P.S. Case No. 698 of 2021 registered for the offence
under Sections 323, 341, 354, 504 and 506 of the IPC and
Section 37(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.10.2021.

The allegation against the petitioner is to provoke
breach of peace, criminal intimidation and outrage the modesty
of the informant, who is none but the wife of the younger
brother of the petitioner, in drunken condition.



Learned counsel appearing on behalf of the petitioner submitted that the allegation against the petitioner is limited to consume liquor. It has been submitted that the informant is wife of the younger brother and due to property dispute, the petitioner has falsely been implicated in this case. It has further been submitted that the petitioner is involved in one case of similar nature, in which, he is on bail. While concluding the argument, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the allegation is limited to consume liquor, which is prohibited in the State.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner is limited to consume liquor coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kahalgaon P.S. Case No. 698 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge Ist, Bhagalpur, subject to the following conditions:



“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Shakuna Devi, who is the sister-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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