

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14460 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- AURAI District- Muzaffarpur

1. RAM KALI DEVI Wife of Sukan Singh Resident of village - Halimpur Aurai, P.S.- Aurai, District - Muzaffarpur, Bihar.
2. Sukan Singh Son of Raj Narayan Singh Resident of village - Halimpur Aurai, P.S.- Aurai, District - Muzaffarpur, Bihar.
3. Aasma Khatoon Wife of Md. Hanif Nadab Resident of village - Halimpur Aurai, P.S.- Aurai, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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 Aurai P.S. Case No. 15 of 2022 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 40 litre intoxicated toddy from cemetery situated near the house of petitioner Ramkali Devi. It is alleged that seeing the



police team petitioners and others started fleeing but they were apprehended by the police.

Learned counsel for the petitioners submits that petitioners are in custody since 23.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that alleged recovery has been made from cemetery which is an open place. Petitioners have no concern with the alleged seized recovery. Seizure list has not been made as per law.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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, Exclusive Special Excise Court No. 1, Muzaffarpur, Bihar in connection with Aurai P.S.



Case No. 15 of 2022, 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 without appropriate permission, 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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