

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16736 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- MADHAURAH District- Saran

1. Bittu Rai, Son Of Mukhtar Rai Resident Of Village - Babu Ke Ashaiya, P.S.- Madhaura, Distt.- Saran At Chapra.
2. Bidhayak Rai, Son Of Mukhtar Rai Resident Of Village - Babu Ke Ashaiya, P.S.- Madhaura, Distt.- Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 285, 34 of the Indian Penal Code and Section 7 of the E. C. Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant, Block Supply Officer, alleges that on 06.07.2021 at about 4.30 A.M. based on secret information, a raid was conducted at village- Babu Kasaiya in front of the Dalan of Adalat Rai where a lorry was found. It is next alleged that from the lorry, six thousand litre of petroleum like liquid along with



other articles as detailed in the F.I.R. was recovered. It is next alleged that Rajesh Rai and Ajay Kumar were arrested and from Rajesh Rai Rs.54,420/ was also recovered and Ajay Rai disclosed the name of the petitioner.

The learned counsel for the petitioners submits that petitioners were not apprehended from the spot, as such, nothing was recovered from their conscious possession. It is next submitted that their name transpired in the confessional statement of co-accused Ajay Kumar, which has no evidentiary value. It is also submitted that the petitioner no.2 is working in Gujarat as an Electrician in Jolly Spinning Mills Private Limited and petitioner no.1, who is younger brother aged about 22 years, also stays with him and is preparing for competitive examination. It is next submitted that based on confessional statement, if the petitioners are sent to jail in absence of any other material connecting them with the offence, then the entire career of the petitioners shall stand jeopardized.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned Court below
where the case is pending in connection with Madhaura P. S.
Case No.380 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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