

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18561 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- LAURIA District- West Champaran

Hero @ Hero Miya @ Hero Ansari @ Karmullah Ansari Son of Late Ali Mian
Resident of Mohalla - Prakash Nagar, Ward No. 12, Narkatiaganj, Police
Station - Sikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Manaur Alam Mr. Prashant Kumar Mr. Kumar Rajdeep, Advocates
For the Opposite Party/s :		Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273, 328, 307/34 of the Indian Penal Code and Sections 33, 34(a), 34(b)(ii), 34(b)(iii) of the Bihar Excise and Prohibition (Amendment) Act, 2018.

According to the prosecution, the father of the informant is said to have died after consuming noxious liquor.

Learned counsel for the petitioner submits that the petitioner was arrested in Lauriya P.S. Case No. 160 of 2021 and



remanded in the present case 23.09.2021. He further submits that after arrest in Lauriya P.S. Case No. 160 of 2021 the petitioner has been falsely implicated in other six cases. He further submits that it appears from the F.I.R. that the date of occurrence is 12.07.2021 and the present F.I.R. was instituted on 21.07.2021 without any explanation of delay. He further submits that similarly situated co-accused person namely Amresh Ram has been granted bail by this Court vide order dated 03.08.2022 in Cr. Misc. No. 9666 of 2022 and another co-accused person namely Ajay Chaudhary has been granted bail by this Court vide order dated 03.08.2022 in Cr. Misc. No. 12288 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with



Lauriya P.S. Case No. 170 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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