

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18798 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- KOILWAR District- Bhojpur

Chhathu Sah @ Chhathu Saw Son of Shri Chandev Saw R/O Village- Barki Nainijor, P.S.- Chhotki Nainijor, District- Buxr Present Address Resident of Village- Mokhlisa, P.S.- Koilawar (Gigdha O.P.), District- Bhojpur Ara
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

2 08-07-2022 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 Koilwar P.S. Case No. 94 of 2022 registered for the offence under Sections 341, 323 and 498A of Indian Penal Code and Section 37(c) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 09.02.2022.

The allegation against the petitioner is to abuse his wife in drunken condition.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is only limited to abuse and ill-treat the informant, who is the wife of the petitioner after consuming



liquor. It is submitted that there is no breadth analyzer test, which outrightly falsify the allegation for certain differences, which arises out of routine matrimonial life. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that this is not a case of recovery of illicit liquor.

Considering the facts and circumstances as mentioned above, as, admittedly, this is not a case of recovery of liquor and allegation is limited only to abuse and ill-treat the informant in drunken condition by the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 94 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-XI, Bhojpur, Ara, subject to the following conditions:

“(i) That accused/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.

(iii) That one of the bailors shall be Heera Lal Prasad, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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