

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20615 of 2022

Arising Out of PS. Case No.-356 Year-2016 Thana- BARACHATTI District- Gaya

RAJESH KUMAR @ RAJESH SAO @ RAJESH KUMAR SAO S/O SRI
MAHENDRA PRASAD @ MAHENDRA PRASAD GUPTA Resident of
Rafiganj, P.S.- Rafiganj, District- Aurangbad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 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 petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barachatti P.S. Case No. 356 of 2016 registered for the offences
punishable under Sections 272, 273, 120B of the Indian Penal
Code and Sections 47(a), 48(2), 54, 63 of the Bihar Prohibition
and Excise (Amendment) Act, 2016.

As per prosecution case, there is alleged recovery
of 142.875 litre IMFL from the Honda City Car. The petitioner
is owner of the said vehicle.

Learned counsel for the petitioner submits that



petitioner is in custody since 23.02.2022 and bears criminal antecedent of six cases and out of six cases, he is on bail in two cases. He further submits that the petitioner is not present at the place of occurrence. His name has been transpired on the confessional statement of co-accused Rahul Kumar and Arbind Kumar @ Arvind who have already been granted bail by the co-ordinate Bench of this Court Vide Cr. Misc. Nos. 4326 of 2017 and 54008 of 2016 respectively. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He has further submitted that occupant of vehicle in question has taken said vehicle from petitioner for some personal work and petitioner has no knowledge about the nefarious activities of co-accused Arbind Kumar.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Judge, Court NO. 2, Gaya in connection with Barachatti P.S. Case No. 356 of 2016, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers 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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