

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22197 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SARAIYA District- Muzaffarpur

RAJ KISHORE @ RAJ KISHORE KUMAR SON OF KRISHANA
BHAGAT R/O VILLAGE- SAKHARA, P.S.- PAROO, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25966 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SARAIYA District- Muzaffarpur

PINTU KUMAR S/o Ganga Rai R/o village- Sarai Saho, P.S.- Dariyapur,
District- Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29727 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SARAIYA District- Muzaffarpur

BIRENDRA PASWAN S/o Kuldip Paswan Resident of Village- Bisunpur,
P.S.- Saraiya, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33872 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SARAIYA District- Muzaffarpur

VIKASH KUMAR Son of Dinesh Paswan Resident of Village - Chak
Alahbad, P.s.- Vaishali, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22197 of 2022)

For the Petitioner/s : Mr.Mahendra Thakur

For the Opposite Party/s : Mr.Sanjay Kumar

(In CRIMINAL MISCELLANEOUS No. 25966 of 2022)

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mrs.Renu Kumari

(In CRIMINAL MISCELLANEOUS No. 29727 of 2022)

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

(In CRIMINAL MISCELLANEOUS No. 33872 of 2022)

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-09-2022 The present matters have been listed under the heading “To Be Mentioned.”

Learned counsel for the petitioner in Cr. Misc. No. 22197 of 2022 is permitted to make necessary correction in para-1 of the petition.

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 Saraiya P.S. Case No. 79 of 2022 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code, Section 30(a) of Bihar Prohibition and Excise Act, 2016, Section 20, 22 of NDPS Act and Sections 25(1-B)a, 26, 35 of



the Arms Act.

As per prosecution case, on 05.02.2022 the informant alongwith police force was on patrolling duty and got secret information that some liquor traders have brought illicit liquor in the dicky of car from Rewa to Saraiya. After receiving the said information, informant alongwith police force reached at Manikpur and started vehicle checking. During vehicle checking police force tried to stop one swift dezire car which was coming very fast but the said car did not stop. The police force after chasing the said car apprehended the accused persons who were found sitting in the said car. The apprehended accused persons disclosed their name as present petitioners and other. It is alleged that one loaded country made pistol was recovered from possession of petitioner Vikash Kumar. It is also alleged that 40 litre illicit spirit, 9 litre illicit foreign liquor and 1 kg. Ganja have been recovered from the dicky of car in question.

Learned counsel for the petitioners submits that petitioners are in custody since 06.02.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are quite innocent and committed no offence and they have falsely



been implicated in this case by the informant due to ulterior motive. He further submits that no incriminating article has been recovered from conscious possession of the petitioners.

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, argument advanced on behalf of both sides 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, Excise Court No. 2, Muzaffarpur in connection with Saraiya P.S. Case No. 79 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.

(iv) If the petitioners are found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel the bail bond of petitioners.

(Alok Kumar Pandey, J)

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