

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38002 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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AJAY KUMAR, Son of Late Mahesh Nishad, Resident of Village- Lailakh,
P.S.- Sabour, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-01-2022 Heard learned counsel for the petitioner and Mr.
Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bhagalpur Rail P.S. Case No. 40 of 2020 registered for the offences punishable under Sections 147, 148, 149, 353, 307, 504 & 506 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act. He is in custody since 11.01.2021 having one no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, on 17.03.2020 when the informant along with some armed forces were checking of anti-social and suspected persons, in the meantime, he got information that some person has thrown a jute bag from



boggy no. 3 of the train and there might have some illegal articles in the jute bag, thereafter the informant reached there and saw that some persons tried to take that bag and on asking they all threatened and abused the informant. The informant further alleged that he tried to apprehend them but taking advantage of darkness they fled away, thereafter he searched the jute bag and recovered 42 liters of country made wine and while the informant was seizing the said bag, in the meantime, all 14 named accused persons along with 25-30 unknown persons armed with weapon came there and attacked on the police party.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is not named among the four co-accused who had allegedly attempted to take away the jute bag containing the illicit liquor.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the First Information Report itself it would appear that this petitioner is not named among the four co-accused who had allegedly attempted to take away the jute bag containing the illicit



liquor, the submission that the name of the petitioner has been incorporated with 14 others and 25-30 unknown persons alleging that they had assembled at the police station and had attacked on the police party with an intention to take away the seized liquor but there is no specific allegation that this petitioner was lashed with any weapon and further that in the alleged occurrence no damage to any property or injury to any person has been caused, the petitioner has got one criminal antecedent, however, he is in custody for about one year in connection with this case and investigation against him is complete, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Second Additional District & Sessions Judge-cum-Special Judge, Excise Act, Bhagalpur in connection with Bhagalpur Rail P.S. Case No. 40 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 antecedent, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

