

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30075 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- ATRI District- Gaya

1. Shyam Sunder Yadav@Shyam Sundar Kumar Son Of Ramanand Yadav @ Ramanand Prasad, Resident of Village- Chahal Mudera , P.S- Atri , Dist- Gaya
2. Vinay Yadav @ Vinay Kumar Son Of Kamlesh Yadav Resident Of Village- Chahal Mudera , P.S- Atri , Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a)(d) of Bihar Prohibition and Excise (Amendment), Act, 2018.

Recovery is of total 400 liters of semi liquid mahua and kismiss.

Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the recovery has been made from bank of river. He further submits that nothing has been recovered from the conscious possession of the petitioners and petitioners were not arrested at the spot and they have no concern with the alleged recovery. The petitioner no.1 is in custody since 07.03.2022 and petitioner no.2 is in custody since 09.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Atri P.S. Case No. 435 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence



on two consecutive dates without sufficient reason,
their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court
below shall verify the criminal antecedent of the
petitioners and in case at any stage it is found that the
petitioners have concealed their criminal antecedent,
the court below shall take step for cancellation of bail
bond of the petitioners. 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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