

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31579 of 2022**

Arising Out of PS. Case No.-176 Year-2022 Thana- DIGHA District- Patna

1. Champa Devi W/o Rajkishore Rai Resident of Village - Yadav Gali, Ramjee Chak, P.s.- Digha, Distt.- Patna.
2. Rakesh Kumar Son of Rajkishore Rai Resident of Village - Yadav Gali, Ramjee Chak, P.s.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate  
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      11-11-2022                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in the virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 91.950 liters of illicit wine.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the suspicion. He



further submits that it appears from the F.I.R. the informant has mentioned that two persons flee away from the house and they both were apprehended then how come that four persons were named in the F.I.R. when two persons were already apprehended by the police itself. He further submits that it appears from the aforesaid that the name of these petitioners has falsely incorporated in the F.I.R. only to harass these petitioners. He further submits that the petitioners are not the owner of the house in question. He further submits that no incriminating article including arms have been recovered from their possession.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Digha P.S. Case No. 176 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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, his bail bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 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.

**(Rajesh Kumar Verma, J)**

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