

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31584 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- MATIYARIA District- West Champaran

1. Lalchuni Devi W/o Sri Raghunath Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
2. Anil Ram @ Anil Kumar S/o Sri Raghunath Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
3. Rajkumar Ram @ Raj Kumar S/o Sri Raghunath Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
4. Raghunath Ram S/o Late Sitaram Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
5. Janaki Devi W/o Late Vindhyachal Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
6. Telu Manjhi S/o Late Bahadur Manjhi Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
7. Shivbachan Ram S/o Late Hari Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
8. Jhalar Sah S/o Late Vidya Sah Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
9. Amit Sah @ Amit Kumar S/o Sri Jhalar Sah Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
10. Nagendra Ram S/o Sri Shivbachan Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.
11. Manoj Ram S/o Sri Shivbachan Ram Resident of Village- Sherahwa Masjidwa, P.S.- Matiyaria, District- West Chamapran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anil Kumar, 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.

Learned counsel for the petitioners fairly submits that during the pendency of the bail petition the petitioner Nos. 1 and 4 have been arrested, and as such, the present bail petition with respect to petitioner Nos. 1 and 4 has become infructuous. Accordingly, learned counsel for the petitioners seeks permission to withdraw this petition in respect of petitioner Nos. 1 and 4.

Permission is accorded.

Accordingly, this bail petition with respect to petitioner Nos. 1 and 4 stands dismissed as withdrawn.

The petitioners Nos. 2 and 3 are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 224, 225, 272, 273, 353, 504 and 506 of the Indian Penal Code and Sections 30(a) and 45 of Bihar Prohibition and Excise Act, 2016.

Recovery is of 2 liters of country brewed liquor.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears



from the F.I.R. that there is general and omnibus allegation against all the named and unknown persons. He further submits that it is admitted position that the alleged liquor has been recovered from the possession of the co-accused, namely, Umesh Ram. So no case is made out under the Excise Act against the petitioners. He further submits that petitioners have done nothing with intent to prevent the police officers from discharging their duties.

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 Matiyaria P.S. Case No. 30 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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