

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32850 of 2022**

Arising Out of PS. Case No.-135 Year-2021 Thana- VISHNUPAD District- Gaya

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AZAD MALAKAR SON OF RAMJEE MALAKAR R/O MOHALLA-
CHANDCHAURA, P.S.- VISHNUPAD, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha

For the Opposite Party/s : Mrs.Veena Rani Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 12-08-2022 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 petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Tr. No.
29/2022 arising out of Vishnupad P.S. Case No. 135 of 2021
registered for the offences punishable under Sections 341, 323,
354, 504, 506 of the I.P.C. and Section 37(2) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, the accusation against the
petitioner is that he was creating nuisance in drunken state and
also abused and assaulted the informant upon which informant
sustained injury.

Learned counsel for the petitioner submits that



petitioner is in custody since 01.09.2021 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has falsely been implicated in this case at the instance of his enemy.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-1, Gaya/concerned court in connection with Tr. No. 29/2022 arising out of Vishnupad P.S. Case No. 135 of 2021, 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) Petitioner 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 petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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