

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34195 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- BARHARA District- Bhojpur

1. DIPAK GOND @ DIPAK KUMAR GOND SON OF MANAGER GOND @ MANEJAR GOND R/O VILLAGE- ACHRAJ LAL KE TOLA, P.S.- KRISHNAGARH (O.P.), DISTRICT- BHOJPUR
2. GAUTAM THAKUR @ GAUTAM KUMAR SON OF BAIKUNTH THAKUR R/O VILLAGE- ACHRAJ LAL KE TOLA, P.S.- KRISHNAGARH (O.P.), DISTRICT- BHOJPUR

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 From perusal of the order-sheet, it appears that due to inadvertence order dated 27.09.2022 has been typed as order no.3, instead of order no.2.

Let the order dated 27.09.2022 be read as order no.2.

It is pertinent to point out here that although this application was allowed on 22.09.2022 and petitioners were granted bail, which fact is also appearing in the website of the Patna High Court, but, while going through the order before signing it, it was detected that learned counsel for the petitioners has wrongly mentioned the police station case number in first paragraph and also in the prayer portion. It has occasioned to list this case again on 27.09.2022 and on that date learned



counsel for the petitioners was directed to file supplementary affidavit correcting the police station case number.

In compliance thereof, learned counsel for the petitioners filed a supplementary affidavit on 28.09.2022, which is on record, stating therein that due to typographical error Barahara (Krishnagarh) P.S. Case No.265 of 2022 has wrongly been typed as Barahara (Krishnagarh) P.S. Case No.265 of 2021 in the entire petition such as in paragraph nos.1,3, 13 and in the prayer portion also.

Let Barahara (Krishnagarh) P.S. Case No.265 of 2021 be read as Barahara (Krishnagarh) P.S. Case No.265 of 2022 in the entire petition such as in paragraph nos.1,3,13 and in the prayer portion also.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 25.92 liters of foreign liquor is said to have been recovered from the road side allegedly thrown by the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. There is violation of Section 100 Cr.P.C. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) **each** in the account of Member Secretary, Bihar State Legal Services Authority, bearing Account No.0380000100252472, IFS Code: PUNB0038000, Punjab National Bank.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending/successor Court in connection with Barahara (Krishnagarh) P.S. Case No.265 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00 (Rupees Twenty Thousand) **each** in the aforesaid account.

(Anjani Kumar Sharan, J)

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