

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46552 of 2021

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. MITHU KUMAR S/o LATE SATYENDRA SAH R/o VILLAGE-HARSINGPUR, P.S- RUNNISAIDPUR, DISTRICT- SITAMARHI.
2. ARUN KUMAR S/o DEVENDRA SAH R/o VILLAGE-HARSINGPUR, P.S- RUNNISAIDPUR, DISTRICT- SITAMARHI.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Vikash Kumar Jha, Advocate
For the State	:	Mr. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 10-02-2022 The applicants/accused in Crime No.491 of 2020 registered with Police Station-Runnisaidpur for the offence punishable under Section 414 of the Indian Penal Code as well as Sections 30(a), 38(i)(ii) and 41 of the Bihar Prohibition and Excise Act, by this application are seeking their release on bail during the pendency of the trial.

The applicants are given out of turn hearing because of death in the family.

Heard both sides.

The learned counsel for the applicants argued that the names of the applicants are not figured in the F.I.R. 5 out of 6 accused persons named in the F.I.R. are already directed to be



released on bail by the coordinate Benches of this Court.

The learned A.P.P. has not disputed this fact but argued that both the applicants are having criminal antecedents.

I have considered the submissions so advanced and also perused the materials placed before me.

Police had received secret information that named accused persons have stored illicit liquor at the house of accused Manoj Prasad. The premises were then raided. Accused persons were apprehended. Illicit liquor of 2962.710 liters quantity came to be seized from the spot of the incident. It is case of the prosecution that names of the applicants have surfaced from the confessional statement of the co-accused. At least 5 of the named accused persons are already directed to be released on bail. The applicants are undergoing pretrial detention from 16.06.2021. Therefore, I see no reason to refuse bail to the applicants only because few crimes have been registered against them. Ultimately, nature of evidence matter. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicants/accused in Crime No.491 of 2020 registered with Police Station-Runnisaidpur for the offence punishable under Section 414 of the Indian Penal Code as well



as Sections 30(a), 38(i)(ii) and 41 of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount by each of them to the satisfaction of the trial court with the following conditions:

- (I). The applicants should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.
- (II). The applicants should cooperate the trial in expeditious disposal of the trial against them.
- (III). The applicants should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only



after removal of office objections by the applicants/accused.

(A. M. Badar, J)

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