

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43045 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- ISUAPUR District- Saran

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1. Priyanka Kumari @ Priyanka Devi, Daughter of Pual Nat Resident of village- Usari Kala, Police Station- Isuapur, District- Saran
 2. Arjun Nat Son of Late Dharmendra Nat Resident of village- Usari Kala, Police Station- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioners and learned APP for the State, through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Isuapur P.S. Case No. 67 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353 of the Indian Penal Code and Sections 30, 30(a), 45 of the Bihar Prohibition and Excise Act.



The police on a confidential information conducted a raid in village Usarikala, however, on noticing the police party, it is alleged that co-accused Rajanti Kunwar and Mamita Devi fled away after throwing gallon containing 30 litres of country made liquor. It is further alleged that 16 named accused persons including the petitioners, attacked upon the police force and make them bound to set free the arrested accused Lal Babu Nat. There is specific allegation against Awadhesh Nat that he assaulted over the head of the informant with iron rod.

Learned counsel appearing on behalf of the petitioners submits that there is general and ominous nature of allegation against the petitioners and no specific allegation has been attributed against them. He next submits that so far the petitioner no. 1 is concerned, she is an unmarried girl, having fair antecedent, whereas, the petitioner no. 2 is named in one another case of similar nature. He further submits that from the FIR it would be evident that nothing has been recovered from the person or possession of the petitioners and, moreover, the specific allegation has been levelled against co-accused Awadhesh Nat, who caused head injury to the informant and he has already been enlarged the privilege of bail vide Cr. Misc. No. 42961 of 2022.



On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the general and ominous nature of allegation apart from the fact that no recovery has been made from the person or possession, both the petitioners are in custody since 30.04.2022 and 23.05.2022 respectively, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum- 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 67 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed thier criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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