

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42659 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- RAGHOPUR District- Vaishali

NAVAL RAI @ NAVAL KUMAR, Son of Mahindra Ray Resident of village -
Mallikpur, P.S.- Raghobpur, Dist.- Vaishali At present resident of Khajekalan
School, Patna City Post - Jhauganj, Ranipur Milki Chowk, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, within a period
of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 272, 273,
414/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

Recovery is of 40 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case only on the basis of disclosure made by co-accused
namely Raghunath Yadaqv. He further submits that it appears



from the F.I.R. as well as seizure list that recovery has been made from the motorcycle in question and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern at all with the alleged recovery or the motorcycle in question and the petitioner is not the owner of the motorcycle in question.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raghapur P.S. Case No. 265 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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