

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53063 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- VAISHALI District- Vaishali

BIRU KUMAR S/o RAJENDRA SINGH R/o VILLAGE-KARNEJI
MUJIYA, P.S.- BELSAR O.P., DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Vaishali
(Belsar O.P.) P.S. Case No. 155 of 2021 registered for the
offences punishable under Sections 272, 273, 414 of the IPC
and Sections 30, 41(1) of the Bihar Prohibition and Excise Act,
2016.

There is total recovery of 459.18 litres of IMFL.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. It is



further submitted that it appears from the FIR and seizure list itself that recovery has been made from one Jinish Rai @ Jinish Kumar. Nothing has been recovered from conscious possession of the petitioner. It is further submitted that co-accused Pintu Singh @ Pintu Kumar has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 02.12.2021 passed in Cr. Misc. No. 62323 of 2021. Similarly, co-accused Jinish Rai @ Jiwsh Kumar @ Jinish Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 29.10.2021 passed in Cr. Misc. No. 42953 of 2021. Petitioner is in custody since 01.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Court, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 155 of 2021, subject to the 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 witnesses, 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 antecedent, 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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