

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43345 of 2022

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

Babaloo Nat S/o Jamir Nat R/o Village/Mohalla- Usari Kala, P.S.- Isuyapur,
Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Tej Pratap Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is 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) and 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 petitioner, attacked upon the police force and make them bound to set free the arrested accused Lal Babu Nat. There is specific allegation against the co-accused Awadhesh Nat that he assaulted over the head of the informant with Iron rod.

Learned counsel appearing on behalf of the petitioner submitted that there is general and ominous nature of allegation against the petitioner and no specific allegation has been attributed against him. He further submitted that though the petitioner is named in one another case of similar nature, however, he is on bail in that case. He further submits that from the FIR it would be evident that nothing has been recovered from the person or possession of the petitioner 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, the petitioner is in custody since 12.04.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) 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 Isuyapur P.S. Case No. 67 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 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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