

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43614 of 2022**

Arising Out of PS. Case No.-578 Year-2018 Thana- GARDANIBAG District- Patna

Rajesh Kumar @ Guruji @ Baragi, Son of Late Rambali Rai, Resident of
Mirmipur, P.S.- Raghopur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, 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. Rajesh Kumar Sinha, 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 Gardanibagh P.S. Case No. 578 of 2018 registered for the offences punishable under Sections 307, 353/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The police in course of raid, intercepted one Tata Safari vehicle and apprehended two persons, namely, Amit Kumar @ Ajay Kumar @ Amitabh and Anjali Kumari. On



search 173 litres of Indian made foreign liquor, Rs. 60,000/- cash and mobiles were recovered. It is further alleged that the apprehended accused persons disclosed the name of the petitioner, as their associate.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and his name has transpired on the disclosure made by co-accused Amit Kumar @ Ajay Kumar @ Amitabh, who has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 15951 of 2019 vide order dated 14.03.2019 itself. So far the petitioner is concerned, he is having fair antecedent, is in custody since 04.06.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner remained absconded for such a long time.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and co-



accused person, who was apprehended by the police, has already been granted bail by the learned coordinate Bench of this Court, 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 Special Judge, Excise, Patna in connection with Gardanibagh P.S. Case No. 578 of 2018, 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 physically 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.

(Harish Kumar, J)

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