

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42785 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- RAJAOLI District- Nawada

-
1. AKHILESH RAJBANSHI S/O NAGRAJ RAJBANSHI Resident of village- Mahadeo More, P.S.- Rajauli, District- Nawada.
 2. ROHIT RAJBANSHI S/O MANGAR RAJBANSHI Resident of village- Mahadeo More, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 17-11-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Rajauli P.S. Case No. 149/2022 registered for the offences punishable under Sections 413, 414 of the Indian Penal Code.

As per prosecution case, informant got the secret information that six persons on three motorcycles were going to bring liquor from Jharkhand. In order to verify the same the informant informed superior officers and started vehicle checking at Banke More. After seeing that six persons on three motorcycles were coming they are directed to stop but they left



the motorcycles and started fleeing away and in the meanwhile they were chased and petitioners were apprehended on the spot whereas four persons managed to escape. It is further alleged that three motorcycles were seized as no document was produced regarding the said motorcycles.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case merely on suspicion. The petitioners are languishing in custody since 05.04.2022 and bear no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioners. He further submits that petitioners have no role in the entire episode but the police has falsely implicated the petitioners in this case intentionally with a view to extort money. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as



submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Rajauli P.S. Case No. 149/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

