

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62016 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

JIVAN KUMAR Son of Chandrashekhar Yadav Resident of Village - Baisa,
P.S.- Maraiyya, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-03-2022 Supplementary affidavit has been filed on behalf of

the petitioner for making necessary correction in the bail

petition.

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 Malaypur P.S.

Case No. 57/ 2021, G.R. No. 1043/ 2021 registered for the

offences punishable under Sections 272, 273, 34 of the IPC and

Sections 30(a), 36, 41(1) of Bihar Prohibition of Excise Act,

2018.



There is recovery of altogether 2160 litres (2880 bottles) of illicit liquor.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that altogether 2160 litres (2880 bottles) of illicit liquor have been recovered from the truck in question. He further submits that petitioner has no concern with the alleged recovery and only on the basis of confessional statement of co-accused Gunjan Kumar, the petitioner has been implicated in the present case. Petitioner is in custody since 11.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

Considering the aforesaid facts and circumstances, 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, Jamui in connection with Malaypur P.S. Case No. 57/ 2021, G.R. No. 1043/ 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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