

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51292 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Jaynath Bhagat @ Tiwari @ Jyant Bhagat Son of Ramasahay Bhagat R/V-
Belaspur, P.S- Kargahar, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52377 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Abhay Patel @ Abhay Kumar S/o Rambrat Singh @ Bharat Singh R/o
village- Dumra, P.S.- Karaghar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53201 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Munna Kahar S/O Devbansh Kahar Resident of Village- Ghotdihan, P.S.-
Kagahar, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53416 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Pappu Yadav @ Vinay Kumar @ Binay Son Of Bindeshwari Singh R/O
Village- Gaura, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 54439 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Chandan Ram @ Biltan Ram Son of Lal Muni Ram Resident of Village -
Mamrejpur, P.S.- Kochas, Dist.- Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51292 of 2022)

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 52377 of 2022)

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Ms. Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 53201 of 2022)

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Ms. Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 53416 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Shakir Ahmad

(In CRIMINAL MISCELLANEOUS No. 54439 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-11-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Kochas
P.S. Case No. 79 of 2021, registered for the offences
punishable under Sections 420 and 120 (B) of the Indian
Penal Code and Section 30 (a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.



As per allegation, approximately 8,000 liters of country made foreign liquor and 43.20 liters of foreign liquor were recovered from a truck and Hyundai Car respectively.

The Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They further submit that none of the petitioners are owner of the vehicles in question and they have nothing to do with the alleged recovery. They also submit that similarly situated co-accused, namely, Manmeet Singh @ Sunny, Awadhesh Yadav @ Awadhesh Singh @ Awadesh yadav, raj Kumar, Mukesh Kumar and Rajendra Prasad have already been enlarged on bail by different co-ordinate Benches of this Court vide orders dated 15.02.2022, 13.05.2022, 23.05.2022 and 09.06.2022, passed in Cr. Misc. No 52145 of 2021, Cr. Misc. No 54024 of 2021, Cr. Misc. No 57221 of 2021 and Cr. Misc. No. 61270 of 2021, respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for



grant of regular or anticipatory Bail.

It has further been stated that the petitioner, namely, Jaynath Bhagat has earlier been made accused in eight more cases.

Petitioner, namely, Abhay Patel has earlier been made accused in two more cases.

Petitioner, namely, Munna Kahar has earlier been made accused in ten more cases.

Petitioner, namely, Chandan Ram has earlier been made accused in five more cases.

Petitioner, namely, Pappu Yadav has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court No. 2 -Cum-Additional District and Session



Judge, Rohtas at Sasarm in connection with Kochas P.S.

Case No. 79/2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

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

