

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56266 of 2022

Arising Out of PS. Case No.-197 Year-2017 Thana- RAGHUNATHPUR District- Siwan

Rajbanshi Chaudhary Son of Late Rambarai Chaudhary Resident of Village-
Semraw, Police Station- Mirganj, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Raghunathpur P.S. Case No. 197 of 2017 registered for the
offences punishable under Sections 272, 273 and 308 of the
I.P.C. and Sections 30, 38 and 41 of the Bihar Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 11394 pieces each containing 180 ml of foreign liquor from
the truck in question.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.06.2022. Petitioner bears no
criminal antecedent. He further submits that petitioner is not



named in FIR. During the course of investigation name of the petitioner has been transpired in this case as owner of the seized motorcycle. Learned counsel for the petitioner also submits that petitioner sold the said vehicle to another person and the said fact has been mentioned in Annexure 2 of the bail petition. Nothing has been recovered from the physical possession of the petitioner. He has been falsely implicated in the present case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge No. II, Siwan in connection with Raghunathpur P.S. Case No. 197 of 2017, 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) Petitioner 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 petitioner tampers 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)

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