

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67245 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- ASANWA District- Siwan

BISHWAKARMA RAJBHAR, Son of Rampati Rajbhar, R/o Village - Sihpur,
P.S.- Asanw, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Asanw P.S. Case No. 102 of 2021, registered for the offence under Sections 272, 273, 308 of the Indian Penal Code and Section 30(a), 41 (i) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 145 liters of country made liquor is made near the bank of Saryu river.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent and has falsely been implicated in this case only on the basis of suspicion. In



fact, nothing has been recovered from the conscious possession of the petitioner rather recovery has been made near the bank of Saryu river. He further submits that co-accused namely Saha Sahni and Pradeep Sahni has been granted privilege of anticipatory bail vide order dated 22.11.2021 passed in Cr. Misc. No. 52235 of 2021 and other co-accused namely Budhi Yadav granted privilege of regular bail vide order dated 08.03.2022 passed in Cr. Misc. No. 64805 of 2021 by a co-ordinate Bench of this Court. The petitioner is rotting in judicial custody since 31.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let, the above named, petitioner 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 learned Additional District and Sessions Judge -II-cum- Special Judge Excise Act, Siwan, in connection with Asanw P.S. Case No. 102 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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