

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55350 of 2022

Arising Out of PS. Case No.-254 Year-21 Thana- KARJA District- Muzaffarpur

Rakesh Kumar Son Of Surendra Rai @ Suri Rai Resident Of Village- Narhar Sarai, P.S- Karja, District - Muzafarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

32 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 609.48 liters of foreign liquor



is said to have recovered from the place of occurrence. He further submits that allegation against the petitioner is that he along with other co-accused managed to ran away from the place of occurrence and local chaukidar and villagers disclosed the name of the petitioner. He submits that similarly situated other-accused persons have already been granted bail by the coordinate bench of this court vide order dated 26.08.2022 passed in Cr. Misc. No.22039/2022 and vide order dated 16.09.2022 passed in Cr. Misc. No.34173/2022. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 50,000.00 (Rupees Fifty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in connection with Karja P.S. Case No. 254 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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