

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67607 of 2021**

Arising Out of PS. Case No.-122 Year-2021 Thana- KEWATI District- Darbhanga

Pravin Kumar @ Pravin Kumar Sah @ Master Son of Amiri Lal Sah Resident
of Village - Pursauliya, P.S.- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 18-02-2022 Heard learned counsel for the petitioner and Mr. Lakshmi Kant Sharma, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Keoti P.S. Case No. 122 of 2021 instituted for the offences under Sections 353, 302, 120-B and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2021, charge-sheet has been submitted in the case and has antecedents of three cases.

Learned counsel for the petitioner submits that allegation is of recovery of 450 liters of Nepali country made liquor from a Scorpio vehicle, which was being driven rashly by the driver and when the police asked to stop the vehicle, the



driver with a view to flee crushed one police personnel to death but somehow the vehicle was apprehended and the driver namely Madhuresh Kumar Singh and one accused Manish Kumar were apprehended from the Scorpio.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that this petitioner was not found sitting in the Scorpio vehicle which is alleged to have crushed the police personnel while attempting to flee, rather the driver of the vehicle disclosed that one Maruti WagonR was acting like a liner for making the way clear for the Scorpio so that the Scorpio does not get apprehended by the police, it is submitted that the driver of the Scorpio disclosed that this petitioner alongwith other named accused persons were sitting in the Maruti WagonR.

Learned counsel for the petitioner further submits that offending vehicle which crushed the police personnel was a Scorpio in which the petitioner was not present, rather the heinous offence was committed by Madhuresh Kumar Singh and Manish Kumar.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that the



petitioner was not present in the Scorpio which crushed the police personnel to death and the learned A.P.P. for the State submits that petitioner has antecedents of three cases also.

Considering the fact that the petitioner is in custody since 17.07.2021, charge-sheet has been submitted in the case and he was not arrested from the spot and name transpired in the confessional statement of co-accused and he was not sitting in the Scorpio vehicle, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousands only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Keoti P.S. Case No. 122 of 2021, subject to the following condition:-

1. One of the bailor shall be the father of the petitioner namely Amiri Lal Sah, further if the petitioner is implicated in a case of similar nature the Court below will forthwith shall cancel his bail bond.

(Satyavrat Verma, J)

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