

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56510 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Raja Kumar @ Komal Kumar @ Raj Kumar Singh @ Raja Kumar Singh S/o
Babu Saheb @ Sanjeev Kumar Resident of village- Manjhaul, Nityanand
Chowk P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Cheriya
Bariyarpur P.S. Case No. 85 of 2022, registered for the
offences punishable under Sections 188, 290, 341, 323 and
353 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act.

As per allegation, 202.875 litres of foreign liquor
recovered from the house of one Bablu Singh.

The Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that his name transpired only on the basis of confessional statement of the co-accused. He further submits that similarly situated co-accused persons, namely, Chiku Kumar, Prince Kumar, Raman Kumar and Rajnish Kumar have been enlarged on bail by different Benches of this Court vide order dated 21.10.2022, 02.09.2022, 21.10.2022 and 20.08.2022 passed in Cr. Misc No. 46714 of 2022, Cr. Misc No. 30610 of 2022, Cr. Misc No. 44966 of 2022 and Cr. Misc No. 33235 of 2022 respectively.

The petitioner has been languishing in jail since 26.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 38988 of 2022.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in two other cases.

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

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Judge-I, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 85 of 2022 on the following conditions:

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

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

(iii) The petitioner 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 him 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 petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his 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 petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner 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)

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