

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71549 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Dilip Kumar Ram @ Dilip Ram Son of Sri Sagar Ram Resident of Village - Harpur Rewari Ward No.- 11, P.S.- Angarghat, District - Samastipur.
 2. Rajesh Ram Son of Batahu Ram Resident of Village - Rampur Samathoo, P.S.- Angarghat, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Samastipur P.S. Case No. 423 of 2021, P.T9N. 562/21 registered for the offences punishable under Sections 188A, 147, 148, 149, 341, 323, 325, 332, 333, 307, 353, 427, 504 of the Indian Penal Code and Section 37(C) of Bihar Prohibition and Excise (Amendment) Act, 2018.



According to prosecution case, on 10.10.2021 the informant was deputed at counting centre with other officials and on the same day on the order of senior officials counting was stopped for the next day. Thereafter, Indu Kumari candidate of Mukhiya alongwith her relatives gathered over there and started shouting against the administration. On the next day her relatives alongwith 200 supporters entered the counting centre and started pelting bricks and stone on the police officials and during the course of such incidents three persons were seriously injured.

Learned counsel for the petitioners submits that petitioners have clean antecedents and have committed no offence and they have falsely been implicated in the present case. He further submits that during investigation petitioner no.2 has been made accused in the state of intoxication, but no examination was done to prove the same by the prosecution. He further submits that it appears from the F.I.R. that 200 persons have been made accused in the present case. He further submits that it appears from the injury reports that the injuries sustained by the officials are simple in nature. The petitioners are in custody since 12.10.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-cum-Special Judge (Excise), Samastipur in connection with Samastipur Muffasil P.S. Case No. 423 of 2021, P.T9N. 562/21, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the



petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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