

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64255 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- SAKRA District- Muzaffarpur

Lal Babu Rai Son of Shiv Jee Rai Resident of Village - Marwan, P.S.- Sakra,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State in the virtual court proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 504 and 34 of the Indian Penal Code, Section 3(i)(r)(s) of
the SC/ST Act and Section 37(c) of the Bihar Prohibition and
Excise Act.

According to the prosecution case, the co-accused
person including the petitioner demanded toddy from the
informant and on refusing the same, they assaulted and abused
the informant by taking his caste name.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the co-accused person including the petitioner who assaulted the informant. He further submits that as far as the allegation under the Excise Act is concerned, it is admitted from the F.I.R. itself, that the co-accused, namely, Dinesh Chaudhary was apprehended in drunken condition and so there is no case made out under the Excise Act. He further submits that there is no specific allegation of assault or overt act against the petitioners.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Court below where the case is pending in connection with Sakra P.S. Case No. 200 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

vanisha/-

U		T	
---	--	---	--

