

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66185 of 2022

Arising Out of PS. Case No.-306 Year-2022 Thana- JAYNAGAR District- Madhubani

1. Rahmat Ali Son Of Kalamuddin R/O Village- Kaluahi Kapariya, P.S.- Khajauli, District- Madhubani
2. Murtuja Son Of Gulam Mohammad R/O Village- Kothiya, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66379 of 2022

Arising Out of PS. Case No.-306 Year-2022 Thana- JAYNAGAR District- Madhubani

Bindeshwar Paswan Son of Nakir Paswan R/v- Dumariyahi Chowk
Brahmotra, P.S.- Khajauli, Dist- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66185 of 2022)

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

(In CRIMINAL MISCELLANEOUS No. 66379 of 2022)

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and Ld.

APP for the State.

The petitioners seek bail in connection with
Jaynagar P.S. Case No. 306 of 2022 corresponding to GR.
No. 1626 of 2022, registered for the offences punishable



under Sections 272, 273, 414 and 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 54 litres of Nipali liquor was recovered from two motorcycle.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners.

The petitioners have been languishing in jail since 09.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

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

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Addl. Session Judge – II cum Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 306 of 2022 corresponding to GR. No. 1626 of 2022 on the following conditions:

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

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

(iii) The petitioners 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 them 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 petitioners have any criminal antecedents, the



learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners 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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