

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21454 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- SUPAUL District- Supaul

1. Mithlesh Kumar @ Mithu Son of Manoj Yadav Resident Of Village - Bhimnagar, Ward No. 12, P.S. - Birpur, Distt. - Supaul
2. Indal Sahni @ Indral Sahni Son Of Kapleshwar Sahni Resident Of Village - Lalpur, Bhimnagar, Ward No. 11, P.S. - Birpur, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Ms. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Birpur (Bhimnagar O.P.) P. S. Case No. 94 of 2022, registered for the offences punishable under Section 341, 323, 324, 427, 354, 385, 504, 506 and 34 of the Indian Penal Code.

As per allegation, 260.25 litres of liquor was recovered from a pick-up van, bearing Registration No. BR-50P-3757.

Ld. 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 petitioner. He also submits that the alleged vehicle does not belong to the petitioner.

He further submits that the petitioners have been languishing in jail since 14.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in two more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged 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 Ld. Exclusive Special Judge, Excise, Court No. 01, Supaul, in



connection with Birpur (Bhimnagar O.P.) P. S. Case No. 94
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 get hampered 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 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 petitioners have criminal antecedents other
than the disclosed one, Ld. court below shall cancel the bail
bonds 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, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeats offence of similar nature after enlargement on bail, their bail-bonds will be cancelled by the court below.

Ld. 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)

skm/-

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

