

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41083 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- RAJNAGAR District- Madhubani

RAMBABU PASWAN SON OF LATE RAMUCHIT PASWAN RESIDENT
OF VILLAGE -KASIYAUNA, PS- RAJNAGAR, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody since 16.05.2023 in connection with Rajnagar P.S. Case No. 53 of 2023 for the offence punishable under Sections 272, 273, 34 of the I.P.C. and 30 (a) Bihar Prohibition and Excise Act, lodged on 06.03.2023 by the informant Siyaram Upadhayay.

As per the prosecution story the police saw Scorpio vehicle on fire and the people were trying to extinguish the same. However, upon sight of the police, they fled away. later the fire was extinguished and from the back side of the vehicle altogether 450 liters Nepali Country made liquor was recovered/ seized. Accordingly the F.I.R.

Learned counsel for the petitioner submits that as the



vehicle was on fire, the villagers were trying to extinguish the same and in the process, they have been implicated and has already suffered by being in custody since 16.05.2023.

Ms. Asha Kumari learned APP opposes the prayer stating that the petitioners were being person behind the recovery/ seizure.

Taking into account that the recovery is from the vehicle and not from the personal possession of the petitioner, he do not have criminal antecedent and is in custody since 16.05.2023 (as stated in para 17 in the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Session Judge cum special judge excise act Madhubani in connection with Rajnagar P.S. Case No. 53 of 2023 (G.R. No. 378/2023) subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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