

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50709 of 2023

Arising Out of PS. Case No.-451 Year-2023 Thana- PATNA RAIL P.S. District- Patna

1. NIKHIL RAJ SON OF PAWAN KUMAR R/O-MITHAPUR, P.S.-JAKKANPUR, DISTT.-PATNA
2. RAJU KUMAR @ AJAY KUMAR SON OF ANIL RAM R/O-KAMLA NEHRU NAGAR, P.S.-KOTWALI, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Spl. Case No. 4751 of 2023 arising out of Rail Patna P.S. Case No. 451 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, sections 147, 149, 332, 333, 353, 427 and 504 of the Indian Penal Code and sections 151 and 152 of the Railway Act lodged on 05.06.2023 by the informant, Manish Kumar.

As per the prosecution story, upon information that stone pelting is being done in a train near Harding Park, Patna, the police reached there and saw the wash room window pane of the train broken. The miscreants escaped but the accused persons were found inside washroom with 230.640 liters of



Indian made foreign liquor. Accordingly, the FIR.

It is the case of the petitioners that they were just present near the wash room, recovery has been attributed without any material against them. They are in custody since 04.06.2023 (as stated in paragraph-5 of the petition) and do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioners as also the period of custody and further they do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna in connection with Spl. Case No. 4751 of 2023 arising out of Rail Patna P.S. Case No. 451 of 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/her *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

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