

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54113 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- JOGAPATTI District- West Champaran

1. RUPLAL YADAV SON OF LATE SUKHI YADAV VILLAGE RAMNA
P.S. NAWALPUR DISTRICT WEST CHAMPARAN
2. MOHIT KUMAR YADAV @ MOHIT KUMAR SON OF RAMANAND
YADAV VILLAGE NAWALPUR P.S. NAWALPUR DISTRICT WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore (APP-100)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Yogapatti (Nawalpur) P.S. Case No. 207 of 2023 registered under Sections 414, 467, 468, 471 and 34 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act as also under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.05.2023 by the informant, Randhir Kumar Bhatt.

As per the prosecution story, the police intercepted two motorcycles and apprehended the accused persons (petitioners herein) and from the petitioner no. 1 one loaded country made pistol, four cartridges and eight liters liquor of 8



PM Tetra Pack each 180 ml was recovered/seized. Similarly, from the petitioner no. 2, three liters 600 ML of 8 PM Tetra Pack liquor recovered/seized. There is/are recovery from the other accused persons also. Accordingly, the FIR.

As per the learned counsel for the petitioners, contrary to the allegation made in the FIR, they do not own the motorcycle, the police has implicated them as also other accused persons. They are in custody since 24.05.2023.

Learned APP for the State opposes the prayer for bail.

Taking into account the fact that both the accused persons have remained in custody since 24.05.2023 (as stated in paragraph-10 of the petition), motorcycle does not belong to them, FIR lodged and ultimately they will have to face the trial, this Court is inclined to grant them privilege of bail.

Learned APP for the State opposes the prayer for bail.

Let the petitioners 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 207/2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioners 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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