

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52100 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Mithlesh Kumar Son Of Ram Prasad Rai Resident Of Village- Jitwarpur, Ps- Mufassil, Distt- Samastipur Bihar
2. Shankar Paswan @ Shankar Prasad Son Of Mundrika Paswan Resident Of Village- Birlagopi, Ps- Gaighat, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Kuchaikote P.S. Case No. 253 of 2023 for the offence punishable under Sections 414, 34 of the Indian Penal Code lodged on 29.5.2023 by the informant, Mahavir Prasad.

As per the prosecution story, the police intercepted a vehicle in which two petitioners were sitting and upon enquiry, they confessed that they were working as liner so that the wine would come to the destination safely. They further disclosed the vehicle to be stolen one which was given by Firoz Ahmad.

Learned counsel for the petitioners submit that the police has implicated them and narrated a concocted story, there



was no such vehicle carrying liquor which was spotted by the police and only to give shape, the criminal act narrated.

Learned APP opposes the prayer.

Taking into account aforesaid facts as also that they are in custody since 29.5.2023 (para-9 of the petition) and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gopalganj, in connection with Kuchaikote P.S. Case No. 253 of 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 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 month for next one year to mark their



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 the 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 their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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