

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50719 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- LODIPUR District- Bhagalpur

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RUPAK KUMAR @ GOLU S/O ARJUN PRASAD YADAV R/O VILLAGE-
KESHAVPUR, DHABAULI, PS. SHOR BAZAR, DIST. SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in custody in connection with Lodipur P.S. Case No. 66 of 2023 for the offence under sections 332, 333, 307, 353, 427, 420 and 120(B) of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016 lodged on 07.04.2023 by the informant, Raju Pandey.

As per the prosecution story, the Police intercepted a car which tried to escape, in the process, causing injury to a police personnel. The driver was arrested and 143.22 liters of indian made foreign liquor were recovered/seized. The driver gave the name leading to his implication. Accordingly, the F.I.R.

It is the contention of the learned counsel for the petitioner that he do not have anything to do with the alleged



recovery and has been dragged by the accused persons and further, two accused persons namely, Ratnesh Yadav and Prince Kumar have since been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 36323 of 2023 and Cr. Misc. No. 36432 of 2023.

Learned APP opposes the prayer for bail stating that his implication has come in the confession of the accused persons and he also has criminal antecedent.

Considering the fact that he has not been arrested from the spot, is in custody since 08.04.2023 and others have been granted bail as stated above, 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) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise 01, Bhagalpur, in connection with Lodipur P.S. Case No. 66 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 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 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)

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