

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53057 of 2023

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

1. ASHOK RAM @ MOTI BASFOR SON OF RAMDAS RAM R/O-YARPUR DOMKHANA, P.S.-GARDANIBAGH, DISTT.-PATNA
2. KRANTI RAM SON OF LATE RANGELAL RAM @ LATE RANGLAL RAM R/O-YARPUR DOMKHANA, P.S.-GARDANIBAGH, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Patna junction P.S. Case No. 451 of 2023 for the offence punishable under Sections 147, 149, 332, 333, 353, 427, 504 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amenment) Act, 2018 and section 151, 152 of the Indian Railway Act lodged on 2.6.2023 by the informant, Manish Kumar.

As per the prosecution story, upon information of stone pelting on train, the police came there and found the window panes broken and also found two persons with 231 liters of foreign liquor and the same was recovered/seized. Accordingly, the FIR.

The submission of the learned counsel for the



petitioners is that they have not been arrested from the spot. Those arrested named them to implicate in the case. They are in custody since 4.6.2023 (para-11 of the petition) and do not have criminal antecedent.

The last submission is that Sanni Kumar whose name has also come in the confession, has since been granted bail in Cr. Misc. No. 47200 of 2023 by a coordinate bench of this Court.

Let the same be kept on record.

Learned APP opposes the prayer stating that both arrested gave their name.

Considering the aforesaid submission put forward by the learned counsel for the petitioners as also the period of custody, they do not have criminal antecedent and similar situate one person has been granted bail, this Court is inclined to extend them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Patna junction P.S. Case No. 451 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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