

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55690 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- AKHODHIGOLA District- Rohtas

1. Kundan Chaudhary S/O Nandlal Chaudhary @ Nandlal Ram R/O Village- Baradhi (BARARHI) Pull Musai Tola, Ps. Akorhi Gola, Dist. Rohtas
2. Santosh Ram S/O Late Sheo Mohan Ram R/O Village- Baradhi (BARARHI) Pull Musai Tola, Ps. Akorhi Gola, Dist. Rohtas
3. Jitendra Kumar @ Jitendra Dom @ Bhinda Dom S/O Bideshi Ram @ Bideshi Dom R/O Village- Baradhi (BARARHI) Pull Musai Tola, PS. Akorhi Gola, Dist. Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha1,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Akorhi Gola P.S. Case No. 87 of 2023 for the offence punishable under Sections 147, 148, 149, 332, 333, 341, 323, 324, 325, 307, 353, 504 of the Indian Penal Code and section 30(a)/45 of the Bihar Prohibition and Excise Act lodged on 26.4.2023 by the informant, Kapildeo Kumar.

As per the prosecution story, the police raided the house and recovered/seized altogether 40 liters of Desi Chulai.

However, the people resorted to brick bats which caused injuries to the Excise Officers. Accordingly, the FIR.

Learned counsel for the petitioners submit that



omnibus allegation has been made against all the accused persons, they have suffered by being in custody since 28.4.2023 (para-9 of the petition) though he concedes that petitioner no.1 and petitioner no.2 have criminal antecedents.

Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intends to contribute Rs. 1000/- each to the Chief Minister Relief Fund, Bihar, Patna.

Learned APP opposes the prayer.

Considering the fact that omnibus allegation is there against all the accused persons, they are in custody since 28.4.2023, the recovery is 40 liters of Desi Chulai, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 1000/- each to the Chief Minister Relief Fund, Bihar, Patna.

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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Akorhi Gola P.S. Case No. 87 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/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 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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