

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55981 of 2023

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

=====

DABLU CHAUDHARY S/O MAHANGI CHAUDHARY @ MAHNGU
RAM @ MHANGU CHAUDHARY RESIDENT OF VILLAGE- BARADHI
(BARARHI) PULL MUSAI TOLA, P.S- AKORHI GOLA, DISTRICT-
ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 56325 of 2023

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

=====

RAPHIK NUT S/O SATAR NAT R/O VILLAGE- BIDESHI TOLA, PS.
AKORHIGOLA, DIST. ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55981 of 2023)

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

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100)

(In CRIMINAL MISCELLANEOUS No. 56325 of 2023)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

2. 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.

3. 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.

4. 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 though he concedes that the petitioners have criminal antecedents and some of the co-accuseds have since been released on bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 55690 of 2023.

5. The 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.

6. Learned APP opposes the prayer.

7. Considering the fact that omnibus allegation is there against all the accused persons, the petitioners are in custody since 28.4.2023, the recovery is 40 liters of 'Desi Chulai', other co-accuseds have since been released, as stated



above, 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.

8. 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

