

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58059 of 2023

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

PINTU KEWAT S/O RAM PRAVESH KEWAT R/O VILLAGE- BARADHI
MUSAI TOLA, PS. AKORHIGOLA, DIST. ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Akorhigola P.S. Case No. 87 of 2023 registered for the offences under sections 147, 148, 149, 332, 333, 341, 323, 325, 307, 353 and 504 of the Indian Penal Code and sections 30(a) and 45 of the Bihar Prohibition and Excise Act lodged on 26.04.2023 by the informant, Kapildeo Kumar.

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

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

5. Learned Counsel for the petitioner submit that omnibus allegation has been made against the petitioner, he has suffered by being in custody since 28.04.2023 (as stated in paragraph 15 of the bail application) and some of the similar placed co-accuseds, namely, Kundan Choudhary, Santosh Ram



and Jitendra Kumar @ Jitendra Dom @ Bhinda Dom have since been granted bail in Cr. Misc. No. 55690 of 2023 on 28.08.2023.

6. His last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 1000/- to the Chief Minister's Relief Fund, Bihar, Patna.

7. Learned APP for the State, on the other hand, opposes the prayer for bail.

8. Considering the fact that omnibus allegation is there against the petitioner, he is in custody since 28.04.2023, the recovery is of 40 litres of Dest Chulai and some of the similar placed co-accuseds have since been granted bail, as stated above, this Court is inclined to extend him privilege of bail subject to payment of Rs. 1000/- as undertaken by the learned Counsel for the petitioner.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Akorhigola P.S. Case No. 87 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 *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 next six months to mark 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 his 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 the bail bonds.

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

(Rajiv Roy, J)

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