

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59250 of 2023

Arising Out of PS. Case No.-396 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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MD. KADIR S/O MD. USMAN RESIDENT OF VILLAGE
HATHIAUNDHA (HATHIONDHA) P.S. BIHARIGANJ DISTT
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with K. Nagar P.S. Case No. 396 of 2023 for the offence under sections 341, 323, 332, 333, 353, 504/34 of the Indian Penal Code and section 37(1), 45 of the Bihar Prohibition and Excise Act, 2016 (Amendment 2022) lodged on 03.07.2023 by the informant, Arvind Kumar.

3. As per the prosecution story, the allegation is that the Police found during patrolling that two persons are creating nuisance, apprehended and found them in an inebriated state and upon breath analyzer, the same was found to be positive. Accordingly the FIR.

4. Learned counsel for the petitioner submits that the



Police only to implicate him, has narrated this story for which he has already suffered by being in custody since 04.07.2023 (as stated in paragraph 4 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the kind of allegation that has come against the petitioner, is in custody since 04.07.2023 and the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Exclusive Special Judge, Excise No. 01, Purnea, in connection with K. Nagar P.S. Case No. 396 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.

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

(Rajiv Roy, J)

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