

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52071 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- KARJA District- Muzaffarpur

=====

Sameer Kumar Son Of Harishchandra Rai R/O Village- Nahar Sarai, P.S.-
Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54366 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- KARJA District- Muzaffarpur

=====

Vivek Kumar @ Kali S/o Madan Ray Resident of Village- Narahar Sarai,
P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63391 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- KARJA District- Muzaffarpur

=====

Kundan Kumar Son of Ram Pukar Rai Resident of Village - Raksha, P.S.-
Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52071 of 2022)

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Nityanand

(In CRIMINAL MISCELLANEOUS No. 54366 of 2022)

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Anant Kumar I

(In CRIMINAL MISCELLANEOUS No. 63391 of 2022)

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Rajendra Singh

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Kajra P. S. Case No. 103 of 2021, registered for the offences punishable under Sections 272, 273, 279, 427, 337 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 524.97 litres of liquor and one mobile has been recovered from a Pick-up van.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the name of the petitioners transpired in the confessional statement of co-accused persons. He also submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr.P.C. He further submits that the petitioners are neither the driver of the alleged vehicle nor the owner. He also submits that other co-accused persons have been enlarged on bail by a co-



ordinate Bench of this Court *vide* orders dated 04.09.2021 and 17.09.2021, passed in Cr. Misc. No. 38047 of 2021 and 38973 of 2021, respectively.

He further submits that the petitioners, namely, Sameer Kumar, Vivek Kumar @ Kali and Kundan Kumar have been languishing in jail since 04.07.2022, 25.06.2022 and 30.09.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Sameer Kumar, Vivek Kumar @ Kali and Kundan Kumar have earlier been made accused in two cases, one case and two cases, respectively.

It is also stated in paragraph no. 2 of Cr. Misc. No. 54366 of 2022 that the petitioner had earlier moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 20954 of 2022. However, in paragraph no. 2 of the other two bail petitions, it is mentioned that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise, Court No. II, Muzaffarpur, in connection with Kajra P. S. Case No. 103 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U			
---	--	--	--

