

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65441 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- ISUAPUR District- Saran

Biru Nut @ Viru Nut @ Viran Nut S/o Dharmendra Nut Resident of village-
Ushari Kala Nut Toli, P.S.- Ishuapur District- Saran (Chhapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66816 of 2022
Arising Out of PS. Case No.-67 Year-2022 Thana- ISUAPUR District- Saran

1. Deepak Nut @ Deepak Nat Son of Deen Dayal Nut R/V- Usari Kala Nut Toli, P.S- Isuapur, Dist- Saran (Chhapra)
2. Putul Nut Son of Baliram Nut @ Bairam Nut R/V- Usari Kala Nut Toli, P.S- Isuapur, Dist- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65441 of 2022)

For the Petitioner/s	:	Mr. Anup Kumar Pandey,
	:	Mr. Vinay Kumar Mishra, Ms. Sweksha Pandey
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan
For the State	:	Mr. Chandrasen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 66816 of 2022)

For the Petitioner/s	:	Mr. Anup Kumar Pandey
	:	Mr. Vinay Kumar Mishra, Ms. Sweksha Pandey
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan
For the State	:	Mr. Chandrasen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Isuapur

P.S. Case No.67 of 2022, registered for the offences



punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353 of the Indian Penal Code and Section 30/30(a)/45 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 30 liters of country made liquor from the aangan of one Rajanti Kunwar and another 30 liters of liquor from one Mamta Devi have been recovered. It is also alleged the accused persons assaulted the informant with lathi, danda and iron rod.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to dirty village politics. He further submits that nothing has been recovered from the conscious possession of the petitioners.

He further submits that the petitioners have been languishing in jail since 30.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court



earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition 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. Additional District and Sessions Judge-II-cum-1st Exclusive Special Judge Excise Act, Saran at Chhapra in connection with Isuapur P.S. Case No.67 of 2022 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 them 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 any criminal antecedents, 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)

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