

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64513 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- PANDAUL District- Madhubani

RAUSHAN KUMAR MANDAL Son of Vidhya Nand Mandal R/v- Raghapur
Blat P.S.- RajNagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68645 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- PANDAUL District- Madhubani

PRADEEP KUMAR MANDAL Son of Shatrughan Mandal Resident of
Village- Balat, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64513 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 68645 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Pandaual P.S. Case No. 202 of 2022 corresponding to G.R.

No. 1744 of 2022, registered for the offences punishable

under Sections 272, 273 and 34 of the Indian Penal Code



and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 120 litres of illicit liquor has been recovered from a bike.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners.

They further submit that the petitioners have been languishing in jail since 21.09.2022 and 24.10.2022 respectively.

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.

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 the Ld. Addl. Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Pandaul P.S. Case No. 202 of 2022 corresponding to G.R. No. 1744 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 bond 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 bond 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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