

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69202 of 2022

Arising Out of PS. Case No.-469 Year-2022 Thana- NARPATGANJ District- Araria

1. SHIVAM KUMAR S/O LALAN KUMAR MISHRA Resident of village- Pator Ward No- 9, P.S.- Pator, District- Darbhanga.
2. TRILOKI JHA S/O SURYAKANT JHA Resident of village- Pator Ward No- 6, P.S.- Pator, District- Darbhanga.
3. RAJNISH KUMAR S/O BALRAM MISHRA Resident of village- Pator Ward No- 4, P.S.- Pator, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Vide order dated 2.3.2023, it appears that petitioner no.2 namely, Triloki Jha has been granted provisional Bail with a direction to surrender before learned Court below on 17th March 2023.

From perusal of supplementary affidavit, it appears that cremation of brother of petitioner no.2 was done on 1.3.2023 and the lower court was closed after granting provisional bail by dated 2.3.2023. Sole nephew of the petitioner was engaged in Shradha Karm and could not furnish the bail bond within stipulated time so the petitioner no.2 could not be released.



So, learned counsel for the petitioner is unable to provide surrender certificate.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail in connection with Narpatganj P.S. Case No. 469/ 2022 registered for the offence under Sections 379, 333, 353, 307, 427, 34 of the Indian Penal Code, 3/4 of Prevention of Damage to Public Property Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, after getting secret information the informant along with police officials reached at Narpatganj Block office at NH-57. After seeing police party, the accused persons damaged the rifle of the police officials but they succeeded to them. Thereafter, search has been done and 177.660 foreign liquor has been recovered from the vehicle bearing Registration No. BR01BB-0340.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioner no.1 was alleged to be driver of the said vehicle but they have no concern with the alleged seized liquor or with the vehicle in question from where the recovery has been made. Nothing



incriminating article has been recovered from conscious possession of the petitioners. From perusal of case diary, injuries sustained by the police officials are simple in nature. They have got no criminal antecedent. It is further submitted that the petitioners are languishing in judicial custody since 23.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Narpatganj P.S. Case No. 469 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Araria.

(Sunil Kumar Panwar, J)

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