

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75403 of 2022

Arising Out of PS. Case No.-409 Year-2022 Thana- NARHATT District- Nawada

Mithun Rajbanshi Son of Fulgend Rajbanshi R/v- Baijnathpur, P.S.- Sirdala,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 05.10.2022, in connection with Narhat P.S. Case No. 409/2022/P.T.N. No. 3069/2022, F.I.R. dated 04.10.2022 registered for the offences punishable under Sections 279, 304(A), 337 of the Indian Penal Code and Section 37(C)/45 of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that he was in a drunken position and due to his recklessness driving one person namely Mohan Kumar died and also obstructed police in discharging of their official duty.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. itself that the petitioner was in drunken condition and hence there was no intention to dash the informant. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Narhat P.S. Case No. 409/2022/P.T.N. No. 3069/2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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