

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75063 of 2022

Arising Out of PS. Case no.-733 year-2022 Thana- Aurangabad Town District- Aurangabad

1. Chandan Kumar Son Of Umesh Mehta R/O Village- Kushi Tol Koeridih, P.S.- Mufassil, District- Aurangabad
2. Dipu Ranjan Kumar Son Of Arjun Mahto @ Arjun Prasad R/O Village- Kushi Tol Koeridih, P.S.- Mufassil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 948 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- AURANGABAD TOWN District- Aurangabad

Babu Ram Marandi S/O Late Mangal Marandi Resident of Village- Bicha Mahal, P.S.- Litipara, District- Pakur, Jharkhand.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1278 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- AURANGABAD TOWN District- Aurangabad

Jitendra Kumar @ Sipahi 1658 Jitendra Kumar @ Sipahi Jitendra Kumar S/O Umesh Paswan Resident of village- Madarpur, P.S.- Maheshkhut, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1625 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- AURANGABAD TOWN District- Aurangabad

RAJNISH KUMAR S/O BASANT MEHTA Resident of village- Kushi Tol Keoridih, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 75063 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr. Gautam, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 948 of 2023)

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 1278 of 2023)

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 1625 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 14.11.2022 in connection with Aurangabad (Town) P.S. Case No. 733 of 2022, F.I.R. dated 13.11.2022 for the offences punishable under Sections 50, 51, 52 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 213, 217, 420 of the Indian Penal Code.

According to prosecution case, on secret information a search was made and during search 163.44 liters of country made liquor was recovered from one Bolero Vehicle bearing Registration No. JH04F-5914. Thereafter, the informant received received a confidential information that on 12.11.2022, the driver of the said vehicle was caught in Aurangabad (Town) P.S. Case No. 731 of 2022 but two police personal had facilitated the driver to flee. In the occurrence the accused



Rajnish Kumar, Chandan Kumar, Abhishek Kumar, Dipu Ranjan Kumar had helped the police and acted as liner. A demand of money for releasing the motorcycle was being made from mobile of police personals from the aforesaid four accused persons.

Learned counsel for the petitioners submits that petitioners namely, Chandan Kumar, Dipu Ranjan Kumar, Babu Ram Marandi and Jitendra Kumar @ Sipahi have clean antecedent and petitioner namely, Rajnish Kumar carries one criminal antecedent other than the present one. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have no concern at all with the Bolero vehicle in question and it appears from the F.I.R. that nothing has been recovered from the conscious possession of these petitioners. He further submits that the allegation against the petitioners namely, Babu Ram Marandi and Jitendra Kumar @ Sipahi that both the petitioners were free by the petitioners who had caught the vehicle in which four persons namely, Rajnish Kumar, Chandan Kumar, Abhishek Kumar and Dipu Ranjan Kumar had helped the police and acted as liner. He further submits that on the basis



of C.D.R. report the petitioners have implicated in the present case and the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 14.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner namely, Rajnish Kumar carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 733 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the



evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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