

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5031 of 2024

Arising Out of PS. Case No.-561 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Tunna Sah S/O- Rama Sah R/O- Village- Nimueya, P.S.- Turkauliya, Dist.-
East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
	:	Mr.Hemant Ray
For the Opposite Party/s	:	Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Govindganj P.S. Case No. 561/2023 registered for the offences
punishable under Sections 353(A), 120(B), 504, 506 of the
Indian Penal Code and Section 37 of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, on the basis of breath
analyzer test the petitioner is found to have consumed
alcohol/liquor. It is alleged that the petitioner had scuffled with
the police party and apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 05.10.2023 and bears no criminal antecedent. He further submits that the petitioner was neither attacked on the informant nor was resorted to use of criminal force to deter the public servant from discharging of his official duty. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-1, Civil Court, East Champaran, Motihari in connection with Govindganj P.S. Case No. 561/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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