

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5381 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- YADOPUR District- Gopalganj

Akash Yadav Son Of Om Prakash Yadav R/O-Khem Matihania, P.S.-
VISHAMBHARPUR, Distt.-GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Jadipur Police Station Case No. 93 of 2023 registered for the
offences punishable under Sections 414 of the Indian Penal
Code.

As per prosecution case, 243 litre country made
liquor was recovered from Wagon-R car in question and
apprehended co-accused Chandan Kumar disclosed that the
alleged liquor was given by petitioner and others.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Petitioner was not apprehended on spot. It is further submitted



that the name of petitioner has surfaced in the present case on account of disclosure of co-accused Chandan Kumar. Except disclosure, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner has got no concern with the seized vehicle in question. Co-accused Ashish Prasad on similar and identical allegation has already been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 39113 of 2023, and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 05.08.2023. Petitioner bears criminal antecedent of two cases.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, petitioner was not apprehended on spot, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise -I, Gopalganj in connection with Jadopur Police Station Case No. 93 of 2023, subject to the 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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