

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6443 of 2024

Arising Out of PS. Case No.-667 Year-2023 Thana- RAMPUR District- Gaya

RAJA KUMAR @ RAJ @ RAJ KUMAR RAJA @ RAJ KUMAR Son of
Late Sanjay Paswan @ Sanjay Prasad Resident of Village-Gewal Bigha
Police Line Road, Police Station-Rampur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Rampur P.S. Case No. 667 of 2023 registered for the offences
punishable under Sections 414, 420, 467, 468 of the IPC and
Section 37(2) of the Bihar Prohibition and Excise (Amendment)
Act ,2022.

3. As per prosecution case, petitioner is said to be
found in intoxicated condition on the basis of breath analyzer
test and he was driving motorcycle in question in intoxicated
condition and he was also utilizing the said stolen motorcycle by
changing its registration number.

4. Learned counsel for the petitioner submits that



petitioner is in custody since 26.10.2023 and bears criminal antecedent of three cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has falsely been implicated in the case just because of criminal antecedent. The breath analyzer test is not a conclusive test to determine the consumption of alcohol. Basically, no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, 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 Additional Sessions Judge cum Exclusive Special Excise Judge Court No.1, Gaya in connection with Rampur P.S. Case No. 667 of 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)

vashudha/-

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