

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21629 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- BAGHA District- West Champaran

Raj Kumar Sahani Son of Late Lorik Sahani Resident of Village-Narainapur,
P.S.-Bagaha (Patkhauri O.P.), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bagaha, Patkhauri P.S.
Case No. 19 of 2024, Trial No. 103 of 2024, instituted for the
offences punishable under Sections 457, 380 of the Indian Penal
Code and Section 37 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, petitioner
entered the house of the informant to make theft and upon hue
and cry made by the informant, family members and neighbour
caught him and the petitioner was apprehended on spot by the
police party. On test it was found that the petitioner was in
drunken condition.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is an aged person about 60 years old. The petitioner is in custody since 10.01.2024 and has got three criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Bagaha, Patkhauli P.S. Case No. 19 of 2024, Trial No. 103 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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