

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36073 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Rupesh Kumar Son of Jaleshwar Singh @ Jageshwar Singh Resident of
Village- Fatehpur, P.S- Musrigharari, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Musrigharari P.S. Case No. 38 of 2024 instituted for the
offences under Sections 420, 419 of the Indian Penal Code and
Sections 30(a), 33, 36, 41 of the Bihar Prohibition and Excise
(Amendment) Act.

3. As per prosecution case, the police has recovered
altogether 600 liters spirit from the house of the co-accused
Umesh Kumar @ Nanki and from a Santro car bearing Regd.
No. BR1AC 9241.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the place of recovery or the alleged car. He is neither owner nor driver of the car in question. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.03.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Umesh Kumar and Manish Kumar have been granted bail by this Court vide both orders dated 02.05.2024 passed in Cr. Misc. Nos. 34383 of 2024 and 34479 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent as also the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of Court below/concerned Court in
connection with Musrigharari P.S. Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

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