

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66077 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- SARAI RANJAN District- Samastipur

Kari Sada Son of Jangli Sada Resident of Village- Sarairanjan Dih, PS-
Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sarairanjan P.S. Case No. 184/2023 registered for the offences punishable under Sections 145, 186, 147, 149, 341, 342, 323, 332, 333, 307, 379, 427, 224, 225, 504 of the Indian Penal Code and Section 45 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information informant alongwith police official apprehended the co-accused Manoj Sada, in intoxicated condition and 50-60 people armed with *lathi*, *danda* etc., surrounded the police official and attacked upon them. One of them torn the uniform of the informant and took out Rs.800/- in cash from his pocket, damaged the police vehicle and also released the apprehended



co-accused from the clutches of the people and petitioner is one among them who is said to have committed the said occurrence.

4. Learned counsel for the petitioner submits that the petitioner has earlier moved for grant of Anticipatory bail vide Cr. Misc. No.17731/2024 in which petitioner granted Anticipatory bail on 26.04.2024 by this court but the petitioner arrested in this case on 29.03.2024 and he has not given information to the conducting lawyer. So case was not withdrawn by the learned conducting lawyer. Learned counsel for the petitioner further submits that the petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to dirty village politics. The petitioner is languishing in custody since 29.03.2024 and bears no criminal antecedent. He further submits that the petitioner is merely a member of mob and he is not apprehended on the spot. Learned counsel for the petitioner orally 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 opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the



spot and 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 learned Special Judge (Excise)-2, Samastipur in connection with Sarairanjan P.S. Case No. 184/2023, 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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