

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67801 of 2024

Arising Out of PS. Case No.-373 Year-2019 Thana- PALIGANJ District- Patna

Amit Kumar S/o- Late Ajay Singh Village- Nirakhpur, P.S.- Paliganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Speical Excise Case NO. 8939 of 2019 (arising out of Paliganj P.S. Case No. 373 of 2019) registered for the offence punishable under Sections-341, 323, 307, 353, 504 of the Indian Penal Code and Section-37(b) (c) of Bihar Prohibition and Excise Act.

3. Prosecution case, in short, is that on the eve of Dushara Puja, the accused persons in drunken state assaulted the police personnel and created obstruction.

4. It is a case of misuse of privilege of bail. Earlier, the petitioner was granted bail but in course of trial, when the date was fixed in the case, two official witnesses appeared but due to non-appearance of the petitioner, both the official



witnesses returned without being examined and the bail bond of the petitioner was cancelled.

5. Learned counsel for the petitioner has submitted that due to *Shraddh Karm* of his father, the petitioner could not appear before the trial court on the date fixed i.e 24.05.2024 and non-bailable warrant of arrest was issued against the petitioner. The petitioner suo motu surrendered before the court below on 09.08.2024 and since then, he is rotting in jail.

6. Considering the aforesaid facts and circumstances, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Special Excise Case No. 8939 of 2019 (arising out of Paliganj P.S. Case No. 373 of 2019) with condition that **the petitioner will appear in the court below on each and every date fixed in the case and if, he fails to do so on two consecutive dates unless he is prevented by extremely adverse circumstances, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.**

(Nawneet Kumar Pandey, J)

priyanka/-

U		T	
---	--	---	--

