

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76919 of 2024

Arising Out of PS. Case No.-254 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

MUKHI RAI @ MUKHI YADAV SON OF RAMCHANDRA RAI @ RAM
CHANDRA YADAV R/O VILL.- TIKULIYA, P.S.- MUFFASIL,
(MOTIHARI), DIST.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 254 of 2019 for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.06.2019 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged that during the night patrolling, it intercepted a motorcycle and recovered/seized 40 liters of spirit. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has criminal antecedent and this has made the police to implicate him one after another case. He has remained in custody since 10.05.2024 (para-14 of the petition) and further in



case granted relief, he intends to visit Muffasil Police Station, Motihari, East Champaran for one week for cleaning the campus every day for seven days and at the end of the seven days will plant a sapling.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though, the criminal antecedent is there, he is in custody since 10.05.2024 has undertaken to diligently appear in trial and further has assured to visit the concerned Muffasil Police Station, Motihari, East Champaran for cleaning the campus for seven days and plant a sapling, this Court is inclined to extend him the privilege of bail with conditions. The S.H.O. of the said Police Station shall certify his visit for seven days at the Police Station.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 254 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. List this case under the heading “To Be mentioned” on 06.01.2025 when the petitioner shall be providing the details as incorporated in the order by way of documents/pen drive.

(Rajiv Roy, J)

Ravi/-

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

