

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85234 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- DANAPUR RAIL P.S. District- Patna

SHIVAM PANDEY @ SHIVAM @ SHUBHAM @ SHUBHAM KUMAR
S/O PARMESHWAR KUMAR @ PARMESHWAR PANDEY @
PRAMESHWAR KUMAR R/O VILLAGE- RAGHOPUR SWAMI
SAHJANAND COLONY (S.S. COLONY) @ BEHIND BIJALI COLONY,
RAGHWPUR, BIHTA, P.S- BIHTA, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Rail
Thana (Danapur) P.S. Case No. 190 of 2023 registered for the
offences punishable under Sections 147, 149, 332, 333, 338, 353
427 of the I.P.C. and Section 152 of the Railway Act and
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per prosecution case, 24.500 litre illicit liquor
was recovered from the three bags which were thrown by
petitioner and others. Apprehend co-accused Prince Kumar
disclosed the name of the petitioner and other who succeeded in



fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of the co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 12.08.2023 and bears no criminal antecedent. He is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is not apprehended on the spot. No incriminating article has been recovered from the possession of the petitioner. On similar and identical allegation, co-accused Raju Kumar has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 79123 of 2023 and on the principle of parity, the present petitioner also deserves bail.

5. The learned A.P.P. for the State 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, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Rail Thana (Danapur) P.S. Case No. 190 of 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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