

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76738 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- BYPASS District- Patna

-
1. Suraj Kumar S/O Ayodhya Prasad Resident of Nakhas Pind Bagicha, P.S- Malsalami, District- Patna.
 2. Krishna Kumar S/O Munna Sao @ Munna Saw R/O Machhua Toli Nakhas Devi Asthan, P.S- Malsalami, Distt.- Patna.
 3. Ritik Kumar S/O Raj Kumar Sah R/O Nakhas Bagicha, P.S- Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioners and the State.

2. The petitioners are in custody in connection with Bypass P.S. Case No. 245 of 2024 for the offence punishable under sections 272, 273, 468, 471 and 34 of the Indian Penal Code and 30(a)/30(d) of the Bihar Prohibition and Excise Act 2022 lodged on 16.06.2024 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that one Piyush Kumar under the said police station, have a criminal antecedent, was apprehended only to be informed that he along with other co-accused have prepared a godown in the



underground hall of Suresh Prasad. He was taken to the said place and there is recovery/seizure of 10 liter spirit, 15 liter liquid chemical as also empty bottles. He gave the name of the accused persons which included the petitioners. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that admitted fact is that apprehended person is Piyush Kumar whereas the house is of Suresh Prasad, nothing has been recovered from their conscious possession but their names have come in the confessional statement of Piyush Kumar and have already been in custody since 05.07.2024 (para 14 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions as also the fact that nothing has been recovered from their conscious possession and they are in custody since 05.07.2024, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Ex. Spl. Judge Excise, Patna City in connection with Bypass P.S. Case No. 245 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioners 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 petitioners 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.

(Rajiv Roy, J)

Vijay Singh/-

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

