

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83457 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- SOHSARAI District- Nalanda

1. MANGAL KUMAR SON OF MANOHAR PASWAN RESIDENCE OF VILLAGE- LOHGANI, P.S.- SOHSARAI, DISTRICT- NALANDA.
2. RAMVALI PASWAN S/O OF CHANESHWAR PASWAN RESIDENCE OF VILLAGE- LOHGANI, P.S.- SOHSARAI, DISTRICT- NALANDA.
3. RANJEET PASWAN SON OF ARJUN PASWAN RESIDENCE OF VILLAGE- LOHGANI, P.S.- SOHSARAI, DISTRICT- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with
Sohsarai P.S. Case No. 291 of 2023 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353,
332, 333, 504 and 506 of the IPC and Section 45 of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, informant received secret
information that 8-10 persons were gathered near the house of co-
accused Karan Kumar and were involved in business of illicit liquor.
Informant alongwith police official raided the said place and on
seeing the police party, all the accused persons managed to flee away



but co-accused Karan Kumar was apprehended by the police. Meanwhile, accused persons including the petitioners started pelting bricks and stones on the police party and also released apprehended co-accused Karan Kumar from the clutches of the police team and all of them managed to escape away.

4. Learned counsel for the petitioner submits that petitioners are in custody since 11.10.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are quite innocent and have committed no offence as alleged in the FIR. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioners were not apprehended on the spot.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, petitioners are not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Session Judge Cum



Special Judge Excise, second, Nalanda/concern court in connection with Sohsarai P.S. Case No. 291 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) Petitioners 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 petitioners tamper 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)

vashudha/-

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