

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.871 of 2024

Arising Out of PS. Case No.-508 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Harishankar Keshav Ray Village- Malighat Bharat Mata Chowk, PS-
Mithanpura Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mithanpura P.S. Case No. 508 of 2023 lodged under Section
341, 323, 324, 307, 353, 504, 34 of the I.P.C. read with Section
37 of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the F.I.R. has been
lodged against four named / 3- 4 unknown accused persons
including the present petitioner against whom there is allegation
that they have assaulted the police officials when police officials
visited to the place for investigation/inquiry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that there is specific allegation against the petitioner and he



caught by the police only due to the reason that in the night, he reached at the place where the occurrence took place under anxiety.

5. Counsel submits that petitioner's antecedent is clean and he is in custody since 13.11.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that the allegation made against the accused persons, is to attack on the police who was on duty.

7. Upon specific query that whether charge has been framed or not. Counsel submits that charge has not been framed till date.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.III, Muzaffarpur in connection with Mithanpura P.S. Case No. 508 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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