

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4877 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Krishnandan Rajak @ Krishnnandan Rajak S/O Late Baleshwar Rajak
Resident of Village- Gunhesa, P.S.- Sirari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sheikhpura P.S. Case No. 451 of 2024 registered for the alleged offences under Sections 319(2), 318(4) of B.N.S., 2023.

3. As per prosecution case, the petitioner and other co-accused persons were apprehended for consuming liquor and the petitioner being constable was assigned the duty of producing the informant before the court. The allegation against the petitioner is that he took Rs.3,000/- from each of the accused persons of the said Excise Act in the name of getting them bailed out. The informant and other persons complained before the learned Excise Court and recovery of Rs.24,000/- was made from the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a Home Guard Constable and has no intention to cheat the informant or other persons. The learned Excise Court imposed fine of Rs.3,000/- to each of the persons and the accused persons handed over the money to the petitioner for depositing it in the Nazarat but due to some confusion the petitioner was arrested in this case. Learned counsel further submits that no offence under Section 318(4) B.N.S. is made out. A compromise has taken place between the petitioner and the informant and others. The petitioner is in custody since 13.12.2024 and charge sheet has been submitted. The petitioner is having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the despite being police officials, the petitioner induced the informant and others in giving him money in the name of getting them bailed out.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released



on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura/concerned Court in connection with Sheikhpura P.S. Case No. 451 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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