

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12940 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- Lakho District- Begusarai

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1. Anar Devi Wife of Sakhichandra Sada Resident of Village - Bahdarpur, P.S. - Lakho, District - Begusarai
 2. Sakhichandra Sada Son of Jagdev Sada Resident of Village - Bahdarpur, P.S. - Lakho, District - Begusarai
 3. Pravesh Sada @ Ram Pravesh Sada Son of Bhola Sada Resident of Village - Bahdarpur, P.S. - Lakho, District - Begusarai
 4. Fulena Sada Son of Ramotar Sada Resident of Village - Bahdarpur, P.S. - Lakho, District - Begusarai
 5. Mohan Sada Son of Jaggu Sada Resident of Village - Bahdarpur, P.S. - Lakho, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr. Ashok Kumar, learned counsel for the petitioners and Mr. Jagdhir Prasad, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner submits that during pendency of the bail application, the petitioner no. 2, namely, Sakhichandra Sada has been arrested, therefore, the application with respect to petitioner no. 2 has become infructuous. Hence, he seeks permission to withdraw this application with respect to petitioner no. 2.



3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn as having become infructuous with respect to petitioner no. 2.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with G.R. No. 1383 of 2024 arising out of Lakho P.S. Case No. 140 of 2024, F.I.R. dated 28.09.2024 for the offences punishable under Sections 190, 191(2), 109(1), 132, 115(2), 118(2), 121(2) and 324(2) of the Bhartiya Nyaya Sanhita, 2023 and 45 of the Bihar Prohibition and Excise Amendment Act, 2022.

6. According to prosecution case, 11 known and 10-15 unknown persons have attacked on the police personnel, when they had gone for raid on manufacturing place of illicit liquor by the accused persons.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the disclosure made by the local chowkidar. He further submits that as per the allegation in the F.I.R, the petitioners and other accused persons have assaulted to the police personnel. He further submits that the similar situated co-accused persons, namely, Uttam Sada and



others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.03.2025 passed in Cr. Misc. No. 10173 of 2025.

8. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that there is no specific allegation against these petitioners, name of the petitioners have been transpired on the basis of the disclosure made by the local chowkidar, co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court and the petitioners have clean antecedent, let the petitioners (except petitioner no. 2), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Court No. 1, Begusarai in connection with G.R. No. 1383 of 2024 arising out of Lakho P.S. Case No. 140 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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