

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45812 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- Chiutahan(Naxal) District- West
Champaran

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1. Ram Sharan Yadav S/o Laljee Yadav R/o Vill- Kaptanganj Basahiya, P.S.- Kaptanganj, Distt- Kushinagar (UP)
 2. Aman Kumar Kushwaha S/o Swaminath Kushwaha R/o vill- Rampur Khurd, P.S.- Nebuwa Naurangiya, Distt- Kushinagar (UP)
 3. Jaspal Koeri @ Jaspal Kushwaha S/o Ramnaresh Koeri @ Ram Naresh As per FIR R/o Vill- Balinagar Pakliharwa, P.S.- Belahari, Distt- Nawalparasi (Nepal) Present Address R/o Vill- Nautanwa Zimri, P.S.- Chiutaha, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-07-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioners and Mr. Nand Kumar, learned APP for the

State.

2. The petitioners are in judicial custody in connection
with Chiutaha P.S. Case No. 24 of 2025 for the offence
punishable under Sections 274, 317(4), 318(4), 61(2)(b), 3(5) of
Bhartiya Nayay Sanhita, 2023 lodged on 16.05.2025 by the
informant, Udaybhanu Singh.

3. As per the prosecution story, the informant on
secret information, seized a while colour Pick Up Van parked



inside the boundary house of Surendra Kumar Gupta and those present including these three petitioners were asked to open the drums whereafter, it was found that blue colour liquid materials worth 2000 liters beside the other utensils were present and considering it to be petrol like liquid and the accused being indulged in illegal activities, it was seized and FIR lodged against them.

4. Learned counsel for the petitioners submit that Annexure 2 and 3 would show that it was actually thinner, valid documents were on record which was ignored by the Police. In fact, it was intended to one Kanhaiyalal Kushwaha before the Court of learned Judicial Magistrate, Bagaha, West Champaran for the release of the said liquid.

5. Last submission is that they are in custody since 16.05.2025 having no criminal antecedent and intend to contribute Rs. 10,000/- each (totalling Rs. 30,000/-) towards the beautification of the Bagaha Court/keeping flower pots in the campus/installation of music system through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer stating that the Police recovered/seized huge quantity of blue liquid and they rightly observed that it was for illegal business.



7. Considering the aforesaid submissions of the parties as also the fact that the receipt has been attached as Annexure-2 while prayer for release has been made by one Kanhaiyalal Kushwaha, they have remained in custody 16.05.2025, in that background, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 10,000/- each (totalling Rs. 30,000/-) towards the beautification of the Bagaha Court/keeping flower pots in the campus/installation of music system through Demand Draft issued by the local branch of the State Bank of India in favour of the Secretary, D.L.S.A., West Champaran and receipt of the expenses has to be submitted to the Trial Court.

8. 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 Judicial Magistrate-1st Class, Bagaha, West Champaran, in connection with Chiutaha P.S. Case No. 24 of 2025 subject to the following conditions:

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

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 their bail bonds.

9. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, West Champaran, Bettiah for r his perusal and needful.

(Rajiv Roy, J)

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