

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79405 of 2024

Arising Out of PS. Case No.-386 Year-2022 Thana- SUPAUL District- Supaul

- 1. Jaykant Kumar Singh @ Jayant Kumar Singh Son of Balram Singh @ Baliram Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 2. Arun Kumar Singh Son of Ramanand Kunwar R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 3. Udaybhan Singh @ Uday Singh @ Udai Kumar Son of Late Triveni Singh @ Tiro Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 4. Pankaj Kumar Singh @ Pankaj Kumar @ Pankaj Singh Son of Brahmdeo Kuwar R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 5. Gaurav Singh @ Kumar Abhishek Son of Pankaj Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 6. Mangal Singh @ Balbhadra Prasad Singh Son of Late Nandan Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 7. Shubham Singh @ Shubham Tanmoy Son of Kapildev Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 8. Randhir Singh @ Randhir Kumar Singh Son of Harinath Kunwar R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 9. Mahadev Kunwar Son of Sinheshwar Kunwar @ Sidheshwar Kunwar R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 10. Surendra Kunwar Son of Upendra Kunwar R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 11. Balram Singh @ Baliram Singh Son of Shivshankar Singh R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 12. Ramprit Kamat @ Ramarit Kamat Son of Late Sokhi Kamat R/O Vill.- Basbitti, P.S. and Dist.- Supaul.
- 13. Ramesh Kamat @ Ramesh Kumar Son of Late Nunulal Kamat R/O Vill.- Basbitti, P.S. and Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2025 Heard Mr. Arun, learned counsel for the petitioners
and Mr. Rabindra Kumar, learned Additional Public Prosecutor

for the State.

2. The petitioners are apprehending their arrest in connection with Supaul P.S. Case No. 386 of 2022, F.I.R. dated 15.04.2022 for the offences punishable under Sections 341, 333, 353, 504 and 34 of the Indian Penal Code and under Section 45 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. According to prosecution case, a raid was constituted by the Excise Superintendent and in course of the raid in the house of petitioners, the petitioners have objected the informant for performing his official duty.

4. Learned counsel for the petitioners submits that petitioners are having clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. itself that the date of occurrence as per the F.I.R. 13.04.2022 but the present case has been lodged on 15.04.2022 after the delay of two days and as per the allegation in the F.I.R., the petitioners have objected the informant for performing his official duty and from the perusal of the F.I.R., it appears that all the petitioners are named in the F.I.R., but there is no specific allegation of any assault or over act against these petitioners rather there is general and omnibus allegation against

all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners are having clean antecedent and there is no specific allegation of assault or over act against these petitioners, let the petitioners, 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 Exclusive Special Judge Excise, Court No.-1, Supaul, in connection with Supaul P.S. Case No. 386 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 tamper 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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