

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39569 of 2015

Arising out of PS.Case No. -1 Year- 2015 Thana -ISUAPUR District- SARAN

Jitendra Kumar @ Jitendra Prasad Rai, S/o - Yamuna Rai, R/o - Village - Gopalwari, Mashrakh, P.S. - Mashrakh, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Harish Kumar, Advocate.

For the Opposite Party : Mr. Md.Sufiyan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Isuapur P.S. Case No. 01/2015 for the offences instituted under Sections 272, 273, 120(B) of the IPC and 47(a) of the Excise Act.

The prosecution story, in brief, is that during patrolling on the basis of suspicion, one pick-up Van was asked to stop but the driver started fleeing with the pick-up Van. On chase, two persons were apprehended who disclosed their names as Fulendra Kumar and Teja Kumar whereas driver succeeded in fleeing away leaving the vehicle. On search, 4 drums containing 200 liters each total 800 liters country made liquor was seized from the pick-up Van. The arrested persons disclosed the name of the petitioner as driver of said pick-up Van and other accused involved in this illegal trade.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. It is further submitted that the petitioner is ready to deposit an amount of Rs. 10,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 10,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Isuapur P.S. Case No. 01/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)