

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37484 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -RAJAULI District- NAWADA

1. Umesh Yadav Son of Keshar Yadav @ Nand Keshwar Yadav Resident of Mohalla- Mohkama, P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raja, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Rajauli P.S.Case No. 71/2016 registered for offences punishable under Sections 272 and 273 of the Indian Penal Code and under Sections 47 (A) of Bihar Excise Act.

The prosecution case on the basis of secret information is that the informant alongwith other police force reached at the house of Umesh Yadav (petitioner) and on seeing the police, he fled away. On search, 35 liters of illicit country made Mahua liquor was recovered. .

It has been submitted by the learned counsel for the petitioner that nothing incriminating has been recovered from his possession and there is violation of Section 100 Cr.P.C. He further submits that other persons of whose house raid was conducted

namely, Subodh Yadav and Pramod Yadav in which similar amount of 35 liters of Mahua wine were recovered , have since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. no. 26062 of 2016 dated 15.07.2016. He further submits that he has no criminal antecedent as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the other co-accused in whose premises raid was conducted, have already been granted the privilege of bail by this Court and that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rajauli, Nawada in connection with Rajauli P.S.Case No. 71 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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