

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5953 of 2017

Arising Out of PS.Case No. -544 Year- 2016 Thana -SHERGHATI District- GAYA

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Kuldip Chaudhary Son of Sri Arjun Chaudhary, resident of Mohalla-Shekhpora, P.S. Sherghati, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-03-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Sherghati P.S. Case No. 544 of 2016/ G.R. No. 1920 of 2016 for the offences punishable under sections 272, 273 and 34 of the I.P.C and section 30 (a) of the Bihar Excise (Amendment) Act, 2016.

Allegedly, after seeing the police personnel four persons started fleeing away and two persons threw gallon and fled away, whereas, two persons were apprehended, namely, Sheo Kumar Das and Deonandan Das and both have stated the names of the persons who had fled away as Saryu Choudhary and the petitioner and from the gallon thrown by the petitioner 45 liters country made Mahua liquor was recovered.

Submission is of false implication and that the name of the petitioner was taken by Deonandan Das and Sheo Kumar



Das, they have got enmity with the petitioner, the petitioner was not apprehended at the spot, no one has identified the petitioner except the co-accused, the statement of co-accused made before police has got no evidentiary value in the eye of law and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that there is nothing on the record to show that the petitioner has got enmity with Deonandan Das and Sheo Kumar Das and both Deonandan Das and Sheo Kumar Das have stated the name of the petitioner and Saryu Choudhary at once.

In the facts and circumstances as stated above, considering that the name of the petitioner was taken by the co-accused before police and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M. Sherghati (Gaya) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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