

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13575 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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Saroj Bhagat, Son of Sri Badri Bhagat, Resident of Village- Sripur, Police
Station- Madhepura, District- Madhepura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad

For the Opposite Party : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Gamharia P.S. Case No. 123 of 2016, registered for the
offence punishable under Section 47(a)(g) of the Bihar Excise
Amendment Act, 2016.

Learned counsel for the petitioner submits that the
petitioner was not arrested at the spot, nothing has been recovered
from his conscious possession, there is confessional statement of
co-accused Rajesh Kumar and on that basis the petitioner and
others have been implicated. In this case one of the co-accused
Tara Yadav similarly situated has been allowed pre-arrest bail vide
Cr. Misc. No. 6450 of 2017 and, as such, the petitioner deserves



sympathetic consideration.

The learned A.P.P. fairly submits that similarly situated co-accused Tara Yadav has been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event 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 learned Sub-Judge-V, Madhepura, in connection with Gamharia P.S. Case No. 123 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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