

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22783 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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Sanjay Kumar , S/o Sidheshwar Prasad @ Sidheshwar Yadav , Resident of
Village- Bijokhari, P.O. +P.S. -Telhara, District -Nalanda (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 19-08-2017 Heard Sri Raj Kishore Prasad, learned counsel for the

petitioner and Sri Ajay Kumar -2, learned Additional Public

Prosecutor .

The sole petitioner, apprehending his arrest in Telhara
P.S. Case No. 20 of 2017 registered for the offence under section
353, 307/34 of the Indian Penal Code 1860 and section 30(a) of
the Bihar Excise (Amendment) Act , 2016 has prayed for grant
of bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner
that as per F.I.R. itself it appears that petitioner has falsely been
made accused in village politics. It is case of the prosecution
that a Bolero was intercepted and even thereafter driver and four
accused persons fled away in the darkness and story has been set



up as if the petitioner was already identified. It has been argued that nothing was recovered from conscious possession of the petitioner.

Learned Additional Public Prosecutor has opposed the prayer. He submits that besides recovery of huge quantify of foreign liquor from the Bolero it has also come in the F.I.R. that driver who was driving the vehicle tried to dash the police party.

Considering the fact that nothing was recovered from conscious possession of the petitioner , there is no reason to refuse the prayer for anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Sanjay Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VIth –cum- S.J. (Exe.) Bihar Sharif Nalanda / concerned court in connection with Telhara P.S. Case No. 20 of 2017 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure 1973 .

(Rakesh Kumar, J)

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