

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24826 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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Sonu Kumar, S/o Baidyanath Ram, resident of Mohalla- ari Kabaiya Ward
No.31, P.S.- Kabaiya O.P., District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner and counsel
for the State.

In the present case, the petitioner is apprehending his arrest in connection with Lakhisarai (Kabaiya) P.S. Case No. 127 of 2017 for offence under Sections 272, 273, 290, 353 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegation, one young persons in a suspicious circumstance was standing near the HDFC Bank, when he was intercepted by the police and enquired into, he has taken his name as Sonu and on search of the bag, one bottle of foreign liquor and 9-10 in number of country made liquor were found. When he was brought to the Thana, he fled away and could not be arrested.

Learned counsel for the petitioner submits that



Section 76(2) of the Bihar Prohibition Act will be applicable only in a circumstance when any person has been arrested in the connected offence and, in such case, the rest of the accused persons will not be entitled for anticipatory bail. Here, in the present case, there is only one accused person who has fled away and could not be arrested.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Sonu Kumar, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kawaiya) P.S. Case No. 127 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been cancelled.

(Shivaji Pandey, J)

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