

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51279 of 2017

Arising Out of PS.Case No. -304 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Nilu Devi, w/o Mohan Bihari Patel,
2. Rahul Kumar s/o Mohan Bihari Patel, Both resident of Mohalla- Pandey
Gali Ayodhya Prasad Lane, Motijhil, Police Station- Town, in the district of
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Town P.S. Case No.
304 of 2017 (G.R. No. 87 of 2017) instituted for the offence under
Sections 272, 273, 279 of the Indian Penal Code and Section 30
(a), 38 (1), 38(2), 47 and 48 of the Bihar Prohibition and Excise
Amendment Act, 2016.

It has been submitted on behalf of the petitioners that
they have falsely been implicated in this case. There is no
recovery made from their possession. The seizure list as enclosed
in Annexure-1 to this petition does not mention time and place of
search.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Town P.S. Case No. 304 of 2017 (G.R. No. 87 of 2017) to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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