

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22195 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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1. Navin Rai S/o Devendra Rai R/o Village- Khoajpur, Basti (Pastara), P.S. Baligaon, District- Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.
For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma, A.P.P.
For UOI : Mr. Manoj Kumar Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-05-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Baligaon Police Station Case No. 10 of 2017, disclosing offences under Sections 272, 273/34 of the Indian Penal Code and 30(A) of the Bihar Excise Revised Ordinance 2016.

Learned counsel for the petitioner has submitted that the petitioner has been named in the F.I.R. and merely on the basis of confessional statement of co-accused from whose house alleged recovery has been made, the petitioner has been made accused in this case. The seizure list does not contain signature of this petitioner nor the signature or thumb impression of his family members, which is in violation of Section 100 (7) Cr.



P.C. Except seizure list without following due procedure, nothing is against this petitioner. Nothing has been recovered from the conscious possession of this petitioner, which is evident from seizure list. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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-XIIth Vaishali at Hajipur, in connection with Baligaon Police Station Case No. 10 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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