

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 52416 of 2017**

Arising Out of PS. Case No.-9 Year-2012 Thana- Gopalganj Town District- Gopalganj

Ram Babu Yadav S/o Ram Naresh Yadav, R/o Village- Baherwan, P.S.-  
Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Smt. Indu Bala Pandey

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 09-11-2017                      Heard Sri Deepak Kumar, learned counsel for the  
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Gopalganj P.S. Case No. 9 of 2012 registered for offence under Sections 379, 413, 414 of the Indian Penal Code and Section 47(A) of Bihar Excise Act, 1915, has prayed for grant of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner submits that though F.I.R. was shown to be lodged in the year 2012 and the vehicle of the petitioner was also shown to be involved in the occurrence, for the first time, petitioner came to know that his vehicle was shown to be involved in the year 2017 itself and thereafter, he apprehended that he may be arrested in the present case and therefore, he has approached this court for



grant of anticipatory bail. By way of referring to F.I.R., learned counsel for the petitioner submits that it is a case of the informant itself that vehicle of the petitioner was not intercepted, rather one Bolero, bearing registration no. BR25A-3808, was seized by the police and from that Bolero, huge quantity of spirit was recovered. He submits that on perusal of F.I.R. itself, it appears that in the late night, the informant had noticed three vehicles and to the reasons best known to the informant, though he noticed number of vehicle of the petitioner in the year 2012, no step was taken by him against the petitioner, whereas, the petitioner is having clean antecedent, which fact has been stated in paragraph – 3 of the petition. A plea has been taken that on the date of occurrence, his vehicle was lying near a hospital.

Considering the fact that only vehicle number of the petitioner, vide BR28E-1624, was shown to be involved in the occurrence and occurrence had taken place in the year 2012 itself, there is no explanation as to why police did not take step earlier and why in the year 2017 itself.

In view of nature of accusation as well as clean antecedent of the petitioner, in the event of arrest or surrender within a period of six weeks from today, let the petitioner



namely Ram Babu Yadav be enlarged 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 Addl. District & Sessions Judge - III, Gopalganj in connection with Gopalganj P.S. Case No. 9 of 2012, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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