

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50244 of 2017

Arising Out of PS. Case No.-110 Year-2017 Thana- Kutumba District- Aurangabad

Madan Kumar @ Madan Singh, S/o Gobardhan Singh, resident of Village- Rudrapura, P.S.- Dehri-on-Sone, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Singh, Adv. Mr. Saket Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 18-10-2017 Heard Sri Rakesh Singh, learned counsel assisted by Sri Saket Kumar Singh, learned counsel for the petitioner and Sri Arun Kumar Pandey, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Kutumba P.S. Case No. 110 of 2017 registered for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that save and except confessional statement of Driver and Khalasi of the Dumper in question, there is no other material to connect the petitioner. He submits that petitioner is having clean antecedent, which fact has been stated in paragraph – 3 of the



petition.

However, learned Addl. Public Prosecutor, opposing the prayer, tried to persuade the Court that the Driver and the Khalasi, who were apprehended, had disclosed that they were provided Dumper by this petitioner.

However, refuting the aforesaid submission, learned counsel for the petitioner has drawn my attention to **Annexure – 2** to the petition to show that the Dumper in question was registered in the name of one Md. Gulam Wali, who is resident of Jharkhand, whereas the petitioner is resident of Rohtas (Bihar).

Besides hearing, I have also perused the material on record. Considering the fact that petitioner's name has come only on the confession of the co-accused and petitioner is having clean antecedent, 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 namely Madan Kumar @ Madan Singh 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 Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in



connection with Kutumba P.S. Case No. 110 of 2017, subject to
condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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