

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37639 of 2017

Arising Out of PS. Case No.-455 Year-2017 Thana- KHAGARIA District- Khagaria

Raja Kumar, Son of Ganesh Sah, resident of village Nagarpalika
Road, P.S. Khagaria, District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Binod Kumar

For the Opposite Party/s : Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 29-11-2017 Heard Sri Binod Kumar, learned counsel for the petitioner
and learned Additional Public Prosecutor.

The sole petitioner Raja Kumar , apprehending his arrest
in Khagaria P.S. Case No. 455 of 2017, registered for the
offence under Section 272/273/34 of the Indian Penal Code ,
1860 and Section 30(a) of the Bihar Prohibition and Excise Act,
2016 (hereinafter referred to as “Excise Act”), has prayed for
grant of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner has
drawn my attention to Annexure- 2 to the petition i.e. photo
copy of certified copy of F.I.R. of Nigrani P.S. Case No. 112 of
2016 dated 25.10.2016 registered for the offence under Section



7/13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and submits that since the petitioner had filed a complaint before the Vigilance regarding illegal demand by one Haidar Ali, Sub Inspector of Excise, an F.I.R. was lodged and a trap was laid in which Haidar Ali was arrested and the petitioner maliciously has been made accused in the present case. He submits that Haidar Ali, Sub Inspector of Excise was already apprehended while demanding and accepting bribe and from his possession about Rs. 31,000/- bribe money was recovered. He further submits that earlier also petitioner was falsely implicated in Excise Case in the year 2016 and since demand was not fulfilled, the petitioner has again been made accused in the present case without any rhyme and reason.

Learned Additional Public Prosecutor submits that since petitioner is having antecedent showing his involvement in Excise Act case prior to lodging of the present case, the petitioner does not deserve the privilege of anticipatory bail.

However, in the background that petitioner had filed a complaint against the Excise Official and on his complaint Excise Official was arrested, it cannot be ruled out that petitioner was falsely implicated in the present case. Accordingly, in the event of his arrest or surrender within a



period of six weeks from today, let the petitioner Raja Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 3rd, Khagaria / concerned court in connection with Khagaria P.S. Case No. 455 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

It is made clear that whatever observation has been recorded in the present case, that has been recorded only for the purposes of grant of privilege of anticipatory bail and this court's observation may not be taken note of in any subsequent proceeding.

(Rakesh Kumar, J)

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