

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38153 of 2018

Arising Out of PS. Case No.-179 Year-2018 Thana- Barahara District- Bhojpur

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1. Muni Rai, Son of Late Shukul Rai @ Late Subash Rai,
2. Sunil Sah, Son of Nanhu Sah,
Both resident of Village- Paiga, Police Station- Barahara,
District- Bhojpur Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-07-2018 At the very outset, Sri Rajiva Ranjan, learned counsel for the petitioners, in presence of Sri Atul Chandra, learned Addl. Public Prosecutor, submits that during pendency of this anticipatory bail petition, petitioners no. 2 namely Sunil Sah has already been arrested and as such, present anticipatory bail petition in respect of petitioner no. 2 has become infructuous.

Accordingly, the anticipatory bail petition in respect of petitioner no. 2 (Sunil Sah) stands dismissed as same has become infructuous.

Heard learned counsel for the petitioner and learned Addl. Public Prosecutor.

The petitioner no. 1 (Muni Rai), apprehending his arrest in Excise Case No. 802 of 2018, arising out of Barahara



P.S. Case No. 179 of 2018 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 nothing was recovered from the premises or field of the petitioner no.1, rather in this case, a vehicle was found in a mango orchard, which was taken by one co-accused Nanhu Sah and the petitioner was not having any connection with the said orchard. The petitioner no.1 has been made accused on the basis of confessional statement of co-accused. He further submits that save and except confessional statement, there is no other material to connect petitioner no.1 in the present case. Learned counsel for the petitioner has drawn my attention to statement made in paragraph – 3 of the petition to show that petitioner no.1 was never made accused in an offence relating to Excise Act, however; he was earlier made accused in a case registered for offence under Section 498(A) of the Indian Penal Code.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail petition.

Be that as it may, considering the fact that petitioner's name has come only in confessional statement, in the event of



his arrest or surrender within a period of six weeks from today, let the petitioner no.1 namely Muni Rai 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 Special Judge, Excise, Bhojpur, Ara in connection with Excise Case No. 802 of 2018, arising out of Barahara P.S. Case No. 179 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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