

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68843 of 2018

Arising Out of PS. Case No.-734 Year-2016 Thana- ARARIA District- Araria

Md. Habib, Son of Late Maslehuddin, Resident of Village- Chaudardai, Ward No.07, P.S.- Araria R.S. District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar
For the Opposite Party/s : Mr. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 379, 411/34 of the I.P.C. and 37(2) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that the accused persons including the petitioner committed theft of cattle and the co-accused was found in drunken state.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The co-accused, in drunken state, is said to have alleged that the petitioner had participated in theft of cow and



calf. Except for the confessional statement of the co-accused, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is further submitted that statement made in drunken state cannot be relied upon. There is no recovery of liquor from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri S.K. Sharma, Judicial Magistrate, 1st class, Araria in Araria P.S. case No.734 of 2016 (G.R. No.3635 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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