

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10364 of 2019

Arising Out of PS. Case No.-635 Year-2018 Thana- SIWAN CITY District- Siwan

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Anshu Singh, male, aged about 19 years, Son of Hare Krishn Singh, Resident of Village-Daraundha, P.S.-Daraundha, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 399 and 402 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR is to the effect that on 09.10.2018 at 3.50 P.M., while the informant, being the A.S.I., Siwan Town Police Station, was on patrolling duty, he received a secret information that under the over bridge near Railway line, certain accused persons have assembled and are preparing to commit dacoity, whereupon raid was laid, when five persons were found talking to each other, but on seeing the police personnel, out of five persons, four persons escaped from the



scene, but one person was apprehended, who disclosed his name as Bikku Singh. The apprehended co-accused, Bikku Singh disclosed the name of three other persons who escaped from the scene, as Satendra Pandit, Anshu Singh (petitioner) and Ritik Singh. From the apprehended co-accused, 360 ML of illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner. In fact, five persons were not there on the spot, rather only four persons were there and hence, the accusation under Sections 399 and 402 of the IPC is not made out against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that the petitioner was not apprehended from the spot, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks



from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-2nd-cum-Special Judge, Excise in connection with Siwan Town P.S. Case No. 635 of 2018. subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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