

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33090 of 2019

Arising Out of PS. Case No.-208 Year-2017 Thana- BARACHATTI District- Gaya

SHANKAR YADAV Son of Shiva Yadav Resident of Village- Ajnawa, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-08-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Barachatty (Mohanpur) P.S. Case No. 208 of 2017 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 2(6), 3, 5 (B), 18 of the Bihar Mahua Flower Act, 2006.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent. The allegation is that during patrolling duty the Police had raided some persons who were coming on a motorcycle loaded with Mahua Flower. Three motorcycles were stopped and two persons were arrested. 50 Kg. each of Mahua Flower were recovered from two motorcycles but two persons fled away from the spot. It is



alleged that one of the persons who fled away is this petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He has no connection with the recovered motorcycle and he has no concern with the incriminating articles.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein the name of the petitioner has come in the confessional statement of the co-accused and according to the petitioner the recovered motorcycle does not belong to him as also that he has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya, in connection with Barachatty (Mohanpur) P.S. Case No. 208 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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