

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41910 of 2019**

Arising Out of PS. Case No.-900 Year-2018 Thana- SHASTRINAGAR
District- Patna

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ABHISHEK KUMAR @ ABHISHEK RAY, male, aged about 30 years, S/O Sri Ramjeet Ray Resident of Village Salempur P.S. Sandesh, District- Bhojpur At present House No. 36, Road No. 1 New Patliputra, Colony District Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Shankar Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 384 of the Indian Penal Code and Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Prohibition Act) registered in connection with Shastrinagar P.S. Case No. 900 of 2018.

3. It is submitted that the petitioner has been falsely implicated and in any event, on a perusal of the averments in the F.I.R. the accusations under the Prohibition Act are not made out against the petitioner whatsoever and it is co-accused Rahul Rai who is said to have come in a drunken condition.

4. As regards the allegation for the offence under Section 384 IPC, the same is completely false and is in retaliation of the petitioner's own F.I.R. bearing Shastrinagar P.S. Case No. 899 of 2018 in connection with a total amount of Rs. 18,10,000/- advanced to the informant for a project who was fraudulently



retained by the informant. The petitioner claims clean antecedents.

5. Learned APP opposes the anticipatory bail petition.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Patna in connection with Shastrinagar P.S. Case No. 900 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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