

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47350 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- MAIRWAN District- Siwan

SHRIRAM CHAUHAN S/o Ram Pravesh Chauhan R/o village- Chhotka
Manjha, P.S.- Mairwa, District- Siwan

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Ahtasham Ali Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-10-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner in the present case is seeking anticipatory bail in connection with Mairwa P.S. Case No. 51 of 2019 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the FIR on the basis of confessional statement of the apprehended accused. It is alleged that the petitioner was one of the persons who had brought the illicit liquor and was selling at the place of occurrence when the raid was conducted.

Learned counsel submits that the informant is the Police officer who had conducted the raid and has nowhere



alleged in the FIR that this petitioner was seen at the place of occurrence and/or he had been absconding after seeing the Police party. It is further submitted that from possession of the petitioner nothing has been recovered and it seems that the co-accused has only by way of his own defence taken name of this petitioner. He has further submitted that the motorcycles in question which have been recovered from the house of the co-accused do not belong to the petitioner.

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

However, considering the facts and circumstances of the case wherein the name of the petitioner is said to have transpired in the statement of co-accused and save and except there is no other material to connect the petitioner with the present case, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Mairwa P.S. Case No. 51 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the conditions 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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