

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73750 of 2019

Arising Out of PS. Case No.-356 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

Toofani Rai S/o Dharmnath Rai, Residence of Village- Jamuna Mathiya, P.S.-
Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Chapra Mufasil P.S. Case No. 356 of
2019 registered for the offences punishable under Sections 272,
273/34 of the Indian Penal Code and Sections 30(a), 41(1) of
the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that nothing has been
recovered from the conscious possession of the petitioner and
petitioner is implicated in this case due to confessional
statement of co-accused namely Raj Kumar Ram and the
motorcycle in question does not belong to the petitioner.



Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of this case, wherein it transpires from the record that the illicit liquor has not been recovered from the possession of the petitioner, the motorcycle in question does not belong to him as stated in Paragraph '10' of this application and that the petitioner 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 bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned XI A.D.J., Saran, Chapra in connection with Chapra Muffasil P.S. Case No. 356 of 2019, 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)

ved/-

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