

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80331 of 2019

Arising Out of PS. Case No.-302 Year-2019 Thana- SURSAND District- Sitamarhi

PRAMOD CHAUDHARY @ CHHOTU KUMAR CHAUDHARY Son of
Chandradeo Chaudhary @ Chandeshwar Chaudhary Resident of Village -
Baghari, Ward No. 07, P.S.- Runni Saidpur, Distt - Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Sursand P.S. Case No. 302 of 2019 registered under Sections 414 of the Indian Penal Code and Section 30(a), 38 and 41 of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that the name of this petitioner has transpired in the statement of the apprehended accused, no incriminating articles has been recovered from the house of this petitioner, however petitioner has got no criminal antecedent.

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

Considering the facts and circumstances of the case



wherein it is the submission of learned counsel for the petitioner that the name of this petitioner has transpired in the statement of the apprehended accused, however the allegations that he was the person who fled away on seeing the police party cannot be believed as in presence of so many police personnel the petitioner could not have run away, further submission that the identity of this petitioner is not fully disclosed by co-accused and it is because of the parantage name of the petitioner which has transpired in the statement of the co-accused the petitioner is apprehending his arrest as also that no incriminating article has been recovered from the house of this petitioner and the petitioner has no criminal antecedent, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.D.J. - II – Cum – Special Judge, Excise Act, Sitamarhi, in connection with Sursand P.S. Case No. 302 of 2019, subject to 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)

Rajeev/-

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