

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2641 of 2020

Arising Out of PS. Case No.-1053 Year-2019 Thana- PHULWARISHARIF District- Patna

Pappu Yadav Son of Ramji Yadav @ Ramji Prasad Resident of Village -
Chakmusa, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 387/34 of the IPC and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Subodh Kumar, dated 02.12.2019 submitted to the Station House Officer, Phulwarisharif Police Station, is to the effect that the informant along with his friend Suresh Sharma was going to Mahangupur village by his Scorpio, in the meantime, co-accused Munna Yadav and Munna Ram stopped the vehicle of the informant and started demanding extortion. It is further alleged that when the police party arrived at the place of



occurrence, the accused persons tried to escape from the scene, but co-accused Munna Yadav was apprehended and he was found in intoxicated condition. The apprehended co-accused person disclosed the name of the petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, at best, offence under Section 385 IPC is made out against the petitioner, which is a bailable offence of the IPC since he was neither apprehended from the scene nor was he put on breath analyzer test. A statement has been made in paragraph no.3 of the petition that the petitioner is also made accused in one other case in which he is on bail.

Learned APP submits that the apprehended co-accused persons disclosed that the petitioner escaped from the scene.

Considering the fact that the petitioner was not apprehended from the spot, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna in



connection with Phulwarisharif (Janipur) P.S. Case No. 1053 of
2019, subject to the condition as laid down under Section 438(2)
of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

