

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10198 of 2020**

Arising Out of PS. Case No.-806 Year-2019 Thana- NAUBATPUR District- Patna

1. MITHILESH YADAV S/o Late Ratan Yadav @ Dev Ratan Yadav Resident of Village-Khaira, Police Station-Naubatpur, District-Patna.
2. Amarjeet Kumar @ Ajit Yadav S/o Ashok Yadav Resident of Village-Khaira, Police Station-Naubatpur, District-Patna.
3. Raju Ram S/o Rajendra Ram Resident of Village-Mitanchak, Police Station-Naubatpur, District-Patna.
4. Lal Mohan Yadav S/o Late Rajballabh Yadav @ Shivballabh Yadav Resident of Village-Mitanchak, Police Station-Naubatpur, District-Patna.
5. Chunnu Choudhary @ Sonu Choudhary S/o Bachan Chaudhary @ Ram Bachan Chaudhary Resident of Village-Kardaha, Post-Dihri, Police Station-Naubatpur, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Naubatpur P.S. Case No. 806 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners' name has been dragged in this case in the confessional statement of apprehended accused and the motorcycles do not belong to the petitioners. There is no *prima-facie* material to connect the



petitioners with the present case and petitioners no. 1 to 4 have no criminal antecedent and petitioner no. 5 is accused in one case in which he is on bail.

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

Considering the facts and circumstances of the case wherein these petitioners' name have allegedly come in the statement of apprehended accused and it has also been found that the motorcycles which were seized by Police belong to the co-accused Manoj Paswan and Pandit Yadav and further submission that save and except the statement of the apprehended accused that these persons were the persons who fled away on seeing the police party, there is no other material to connect the petitioners with the present case and that petitioners no. 1 to 4 have got no criminal antecedent and petitioner no. 5 has one case on his head in which he is on bail, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Naubatpur P.S. Case No. 806 of 2019 corresponding to Special Case No. 11448 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise, Patna, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

