

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17342 of 2020**

Rabindra Kumar @ Ravindra Bhagat son of Janki Bhagat R/o village-
Srirampur Tola, P.S. Bihta, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, A.P.P.

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

3 20-07-2020 Heard learned counsel for the petitioner and Mr. Raj
Kishore Singh learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Rupaspur P.S. Case No. 101 of 2014 registered for
the offences punishable under Sections 290, 272, 273, 295(A) of the
Indian Penal Code and Section 47(A) of the Excise Act.

Learned counsel for the petitioner submits that on perusal
of the First Information Report it will appear that the First
Information Report has been lodged by Sub-Inspector of Police on
his own statement. He has alleged that in course of patrolling on
14.05.2014 he found that one staff of the wine shop no. 12 was
selling wine in pouch openly and people had assembled there and
they were creating nuisance. It is alleged that when the police party
tried to catch hold of that person he started fleeing away but he was
arrested. The apprehended person disclosed his name as Bablu
Kumar and from his possession a plastic bag containing the pouch



were seized. He informed the Police that he was selling wine in the shop of this petitioner and had brought the pouch from the shop.

Learned counsel submits that it is a case of the year 2014 when the wine shops were allowed to sell wine. Learned counsel for the petitioner submits that the FIR was lodged only against Bablu Kumar but after about five years the police has filed a requisition for obtaining warrant of arrest against the petitioner. It is submitted that at this stage it is a case of false implication and as such petitioner may be granted privilege of pre-arrest bail. He has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the facts and circumstances of the case wherein one fact is clear that the FIR was lodged only against accused Bablu Kumar and requisition for warrant of arrest has been filed by the Police on the basis of confessional statement of said Bablu Kumar and the petitioner otherwise having no criminal antecedent is ready to abide by the terms and condition which may be imposed by this Court, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in Special Case No. 2937 of 2018 arising out of Rupaspur P.S. Case No. 101 of 2014 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) 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 is 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'.

