

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17303 of 2020**

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Lal Babu Chaurasiya son of Nathuni Chaurasiya R/o village- Suleman
Chhapra, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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

2 16-07-2020 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner in the present case is apprehending his arrest in connection with Sahebganj P.S. Case No. 401 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 37(b) (e) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story when the police party raided the Kirana Shop one Amit Kumar who is the son of the younger brother of the petitioner was arrested and he disclosed himself a relative of Rajesh Chaurasia.

It is submitted that in fact the Kirana Shop was being run by the son of the co-brother of said Rajesh Chaurasia but in order to implicate the entire family, police has incorporated the name of all the brothers including this petitioner. It is stated that Amit Kumar and



Rajesh Chaurasia have been released on bail in connection with this case.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but admits at the Bar that from the Kirana Shop Amit Kumar who is relative of Rajesh Chaurasia was arrested.

Having regard to the facts and circumstances of the case, there being no categorical allegation that the shop in question belongs to this petitioner rather the FIR is suggesting that from the shop Amit Kumar who is relative of the younger brother of this petitioner was arrested then the shop has also been described in his name, this court having noticed that presently there is no *prima-facie* material to connect the petitioner with the case, this Court directs release of the petitioner above named on bail in case of his arrest or surrender within four weeks from today in connection with Sahebganj P.S. Case No. 401 of 2019 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 Act, Muzaffarpur, 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.

(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'.

