

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87429 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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APPU KUMAR @ AMAN KUMAR Son of Late Butta Yadav @ Pramod
Yadav Resident of Village - Gopi Bigaha, P.S.- Magadh Medical, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.Humayou Ahmad Khan

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 24-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case No. 251 of 2019, for the
offence punishable under Section 130(a) of Bihar Prohibition
and Excise Act, 2016, Sections 25(1-b)a/ 26 of the Arms Act
and Section 302 of the Indian Penal Code.

The allegation is that during the course of a dance
programme, having taken place where some accused persons
had exhorted to fire and during the course thereof, it is alleged
that one Ravi Kumar had fired upon the deceased, resulting in
his death. After the police had come and search was made, one
rifle and 22.337 liters of illicit liquor was recovered.



The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that regarding allegation of killing the deceased, another F.I.R. bearing Magadh Medical P.S. Case No. 250 of 2019 has been lodged and in any case, the petitioner is stated to be the friend of the said Ravi Kumar, who is the main accused. It is further submitted that no recovery of either any illegal arms or illicit liquor has been made from the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner coupled with the fact that the petitioner has not been alleged to have fired upon the deceased and moreover no recovery has been made from the conscious possession of the petitioner as far as the illicit liquor is concerned, prima facie this Court finds that the provisions of the Bihar Prohibition and Excise Act are not attracted in the present case as far as consideration of the present anticipatory bail is concerned, hence I deem fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the



petitioners above named are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, in connection with Magadh Medical P.S. Case No. 251 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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