

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20997 of 2021**

Arising Out of PS. Case No.-390 Year-2017 Thana- MADHUBANI TOWN District-  
Madhubani

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JITENDRA YADAV SON OF MADAN YADAV RESIDENT OF  
MOHALLA- RAM CHOWK KATAHI , P.S - MADHUBANI TOWN ,  
DISTRICT- MADHUBANI ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr.APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      22-12-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

Learned counsel for the petitioner is expected to  
honour his undertaking to remove the defects as pointed out by  
the office when called upon to do so by the office.

The instant application for anticipatory bail has been  
filed by the petitioner apprehending his arrest in connection  
with Madhubani Town P.S. Case no. 390 of 2017 instituted for  
the offence under Sections 272 and 273 of the Indian Penal  
Code and section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 140.25 litres  
from a vehicle of co-accused Jay Prakash Ray, who was  
apprehended on spot.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has committed no  
offence. His name has been surfaced in this case in confessional



statement of apprehended co-accused, namely, Jay Prakash Ray, which has no evidentiary value in the eye of law. Petitioner has no concern with the alleged vehicle or with the alleged recovery. Owner of the vehicle, namely, Jai Prakash Ray had already been enlarged on bail vide order dated 8.3.2018 passed in Cr. Misc. No. 13587 of 2018.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Madhubani Town P.S. Case no. 390 of 2017, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd-cum-Special Judge Excise Act, Madhubani subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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