

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33102 of 2021

Arising Out of PS. Case No.-123 Year-2020 Thana- RAJEPUR District- East Champaran

JAICHANDRA BHAGAT @ JAICHANDRA KUMAR, S/o- Shambhu Bhagat, Resident of Village - Bulakitola, P.S. - Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 15-06-2021 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition of Excise Act, 2016 and 25(1-b)a, 26 and 35 of Arms Act.

Informant is a police officer, who in his written complaint has alleged that on specific information received, he raided the residence of accused Shambhu Bhagat, from where 800 litres spirit, two country made pistols and two live cartridges were recovered. It is further alleged that on seeing police four persons present there fled away and the names were

disclosed by the villagers which included the name of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to village rivalry and animosity. Neither he was apprehended on the spot nor any illicit liquor or arms has been recovered from his conscious possession. He works in Delhi and resides there. He has separate house where he lives with his family. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, under Excise Act, East Champaran, Motihari, in connection with Rajepur P.S. Case No. 123 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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