

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29606 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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BRAJ BHUSHAN PRASAD YADAV @ BRAJ BHUSHAN RAI Son of Late
Kapil Deo Rai Resident of Village - Rupchhapra, P.S.- Sahebganj, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

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

The prosecution case, in short, is that on seeing the
police, the accused persons started fleeing away and during
search 4500 liters wine and one pistol, 9 live cartridges and
one empty magazine are also recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. It is alleged that 4500 liters wine is recovered from from a Bolero vehicle and a truck. None of the vehicles in question belongs to the petitioner. One pistol, 9 live cartridges and one empty magazine are said to have been recovered from the possession of co-accused. As per the prosecution, the petitioner is said to have a talk with co-accused and on the basis of the same, the name of the petitioner has transpired in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to



the satisfaction of learned Additional Sessions Judge -II-cum Special Judge, Excise, Sanmastipur in connection with Vibhutipur P.S. Case No. 285/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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