

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27515 of 2020

Arising Out of PS. Case No.-123 Year-2018 Thana- LAUKAHI District- Madhubani

PAPPU KUMAR @ PAPPU KUMAR YADAV S/o Bhola Yadav Resident of
Village-Balua, P.S.-Laukahi, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Laukahi P.S. Case No. 123 of 2018 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret information police party raided the alleged place of occurrence and arrested three persons and from one co-accused one county-made pistol and 12 live cartridges were recovered and one motorcycle and one scooty and illicit liquor has been seized. The apprehended persons disclosed the name of the petitioner among the persons who managed to escape.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It



is submitted that nothing has been recovered from possession of the petitioner. It is submitted that the name of the petitioner has transpired in the statement of the apprehended co-accused and there is no independent witness stating that he was seen fleeing away from the spot.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to facts and circumstances of the case, wherein the only material brought against the petitioner is that his name has transpired in the statement of the apprehended accused who were arrested by police in the early morning hours at 04:00 A.M. but there is no independent witness saying that he had seen the petitioner fleeing away from the spot, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Laukahi P.S. Case No. 123 of 2018 be released on bail 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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(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'.

