

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30734 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- RAJAPAKAR District- Vaishali

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DHARMENDRA ROY @ DHARMENDRA KUMAR Son of Chandrasekhar
Roy Resident of Village - Bakhari Barai, P.S. Rajapakar, District - Vaishali.
... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate.
For the State : Mr. Umanath Mishra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-02-2021 As prayed for, let the learned counsel for the petitioner

remove the defect(s), as pointed out by the office vide its notes dated

10.11.2020, within four weeks of starting of the Court proceeding in

physical mode

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Rajapakar P.S. Case No.118 of 2020 registered under Sections 341,

323, 353, 414, 504 and 506/34 of the Indian Penal Code besides

Section 30(a) of the Bihar Prohibition and Excise Act, 2018, pending

in the court of the Additional Sessions Judge-II-cum-Excise Court,

Vaishali at Hajipur.

The accusation is that in course of patrolling duty by the

informant and other police personnel, three persons were seen on a

motorcycle. When the informant and other police personnel gave



them signal to stop the motorcycle, then all, anyhow, succeeded to flee away leaving the motorcycle. On query, the persons present there disclosed the name of the aforesaid three persons as Arun Kumar Roy, Dharmendra Roy(petitioner) and Rajkumar Roy. On search of the motorcycle bearing Registration No.BR31U-3999, five liters country made liquor, kept in a polythene bag, was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended on the spot and the registration of the seized motorcycle is not in his name but the learned counsel for the petitioner is not able to disclose whether the seized motorcycle is belonging to the family member of the petitioner or not.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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