

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38720 of 2020

Arising Out of PS. Case No.-133 Year-2018 Thana- KHUTAUNA District- Madhubani

GAURI SINGH Son of Ganga @ Ganga Prasad Singh Resident of Village -
Hanuman Nagar P.S. - Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mrs. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2021 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.

The petitioner is apprehending his arrest in a case
registered under Sections 379, 411, 409, 120(B) of the Indian
Penal Code 7 of E.C. Act and 37(B) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that the accused
person in drunken state committed theft of rice from the truck.

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 has been made accused due to mistake of fact. The truck loaded with rice is alleged to be carrying stolen rice. No recovery of liquor is made from the possession of the petitioner nor there is recovery of stolen rice from the petitioner. Other co-accused has been granted anticipatory bail vide Annexure-2 to the present application.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II-cum- Special Judge, Excise Act, Madhubani in connection with Khutauna P.S. Case No. 133/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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