

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4891 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- PARASBIGHA District- Jehanabad

1. Pulender Yadav @ Pulendra Prasad, aged about 34 years, Male, S/o Bhikhari Yadav @ Bhikhari Singh, Resident of Vill.- Kendui Tola, Kothiya, P.S.- Parashbigha, Distt.- Jehanabad.
2. Guddu Kumar @ Guddu Yadav, aged about 32 years, S/o Rajeshwar Yadav @ Yadubanshi, Resident of Vill.- Kendui Tola, Kothiya, P.S.- Parashbigha, Distt.- Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Alok Kumar Alok, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-02-2021 Heard learned counsel for the petitioners and learned counsel for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Guddu Kumar @ Guddu Yadav as he has already been taken into judicial custody in connection with Parasbigha P.S. Case No. 60/2020, pending in the court of learned A.D.J.-IInd-cum-Special Judge, Excise, Jehanabad.



Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Guddu Kumar @ Guddu Yadav, is dismissed as withdrawn.

The petitioner no. 1 is apprehending his arrest in a case for the offence registered under Sections 272, 273/34 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 45 liters wine is said to have been recovered from the field situated by the side of house of co-accused Guddu Yadav.

It has been submitted by learned counsel for the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. It is alleged that total 45 liters wine is recovered from the field situated by the side of house of co-accused Guddu Yadav. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 1. The petitioner no. 1 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 no. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, petitioner no. 1, Pulender Yadav @ Pulendra Prasad, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IInd-cum-Special Judge, Excise, Jehanabad, in connection with Parasbigha P.S. Case No. 60/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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