

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3880 of 2022

Arising Out of PS. Case No.-603 Year-2020 Thana- BRAHMPUR District- Buxar

HIMANSHU KUMAR @ HAPPY SON OF JAWAHAR SAV @ JAWAHAR
PRASAD R/O VILLAGE- PANCHFEDWA, P.S.- BRAHMPUR, DISTRICT-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Brahmpur P.S. Case no. 603 of 2020 instituted for the
offence under Sections 272, 273, 120B/34 of the IPC and
Section 30(a) of the Bihar Prohibition of Excise Act.

As per allegation in the FIR, on getting secret
information, police proceeded towards place of occurrence.
After seeing the police party, several accused persons started to
flee away by motorcycles but on chase two accused persons
were apprehended, who disclosed the name of the petitioner as
of his associates. On Search, recovery of 79 litres of IMFL was



made from their motorcycles .

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by apprehended co-accused, namely Umashankar Yadav before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner has a criminal antecedent of similar nature.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Brahmpur (Nainijor) P.S. Case no. 603 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge 2nd-cum-Special Judge, Excise Act, Buxar subject to the
conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

