

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10366 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- RAHIKA District- Madhubani

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1. PAWAN YADAV @ PAWAN KUMAR SON OF MAHENDRA YADAV
RESIDENT OF VILLAGE- RAHIKA, P.S.- RAHIKA, DIST.-
MADHUBANI
 2. GAGAN KUMAR YADAV @ GAGAN YADAV SON OF MAHENDRA
YADAV RESIDENT OF VILLAGE- RAHIKA, P.S.- RAHIKA, DIST.-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application for petitioner no.1, as the petitioner named above has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, the instant application for petitioner no.1 is dismissed as withdrawn.



Now, this application is being heard with regard to petitioner no.2 only.

Petitioner no.2 apprehends his arrest in connection with a case registered for the offence punishable u/s 272, 273/34 of the Indian Penal Code and 30(a) of the Bihar Excise (Amendment) Act, 2018.

Altogether 150 litres of Nepali country made liquor is said to have been recovered from the tempo standing at the door of the petitioner and after seeing the police, the petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession and his name was given in the first information report only on the basis of suspicion by the police. The said tempo from which recovery has been made does not belongs to the petitioner. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.



Petitioner no.2 is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Rahika P.S Case No.07 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any



other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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