

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25101 of 2021**

Arising Out of PS. Case No.-411 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Rahul Kumar @ Rahul Yadav, Son of Lal Babu Prasad Yadav Resident of
Village- Badokhe, P.S.- Jharokhar, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 19-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Ghora Sahan (Jharokhar) P.S. Case no. 411 of 2020
instituted for the offence under Sections 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.



As per allegation in the FIR, in course of patrolling, police personnel has visited at the place of occurrence and saw that two persons were coming on cycle with two sacks but on seeing them, they started to flee away. After chase one person was apprehended and disclosed the name of the petitioner who managed to escape. On search, 71 litres Nepali Kasturi wine and one old Hero cycle has been recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the co-accused, namely, Raushan Kumar, who was arrested on spot, and the same has got no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of Bail.

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 Ghora Sahan (Jharokhar) P.S. Case no. 411 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 Special Judge, Excise Act, East Champaran, Motihari, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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