

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20718 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- KURTHA District- Jehanabad

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1. RAMJANAM YADAV S/o Ramashray Yadav Resident of Village-Chamandi, P.S.- Kurtha, District- Arwal
 2. Bishram Yadav @ Gardbable S/o Yamuna Yadav Resident of Village-Chamandi, P.S.- Kurtha, District- Arwal
 3. Ravindra Yadav @ Sukhal Yadav S/o Late Chhawil Chandra Yadav Resident of Village-Chamandi, P.S.- Kurtha, District- Arwal.
 4. Birendra Yadav @ Rudal Yadav S/o Late Janeshwar Yadav Resident of Village- Chamandi, P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioner submits that petitioner no.2 (Bishram Yadav @ Gardbable) during pendency of the present anticipatory bail application was arrested as such the present application against him has become infructuous thus seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2.

The petitioner nos. 1, 3 and 4 apprehend their arrest in a case registered for the offences punishable under Section 30(a)



(b) (c) of the Bihar Excise Act.

Learned counsel for the petitioner submits that inadvertently the criminal antecedent of petitioner no.1 could not be stated in the anticipatory bail application but he has instruction to submit that petitioner no.1 is a person with clean antecedent whereas petitioner no.3 has antecedent of one case and petitioner no. 4 has antecedent of two cases.

The informant alleges that he received secret information that eight accused persons were preparing liquor near Guleriya Chak, accordingly the informant reached the place of occurrence when all the accused persons on seeing the police fled and from the place of occurrence 10 litres Java mahua and 5 litres liquor along with equipment used for manufacturing and storing liquor were recovered as detailed in the F.I.R.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. Learned counsel next submits that the name of the petitioners was disclosed by the local *chowkidar* and villagers for reasons best known to them but the name of the villagers who disclosed the name of the petitioners is not recorded in the F.I.R. that amply



demonstrates that the petitioner has been falsely implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 3 and 4 in the event of their arrest or 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. 5,000/- (Rupees Five Thousand) each 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 Kurtha P.S. Case No. 178 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below shall accept the bail bonds of petitioner no. 1 only after being satisfied that he is a person with clean antecedent.

(Satyavrat Verma, J)

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