

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42363 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- SALIMPUR District- Patna

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KUNDAN KUMAR @ KUNDAN KUMAR SINGH Son of Ashok Kumar
Singh Resident of Rukunpura, P.O.- Khusrupur, Police Station- Salimpur,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunit Kumar, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

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

Petitioner apprehends his arrest in connection with a case
registered for the offence punishable under sections 147/ 148/
149/ 323/ 504/ 353/ 427/ 224/ 225 of the IPC and section 30(A)
of the Bihar Prohibition and Excise Act.

Altogether 36 liters of country made liquor and 1.5 liters
of foreign liquor is said to have been recovered from the cow
shed of one Gunjan Kumar and he was apprehended from the



spot. It is alleged that when the police was returning after the raid, 100-150 persons attacked the police vehicle and freed the accused Gunjan Kumar. The Chaukidar identified nine accused persons including the petitioner and accordingly the FIR was lodged.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case on mere suspicion. No incriminating article has been recovered from his conscious physical possession. The allegation against the petitioner is that he was a member of the mob who obstructed in the official work of the police and attacked on the police vehicle and his name transpired in the case on the basis of the disclosure of his name made by the chowkidar. Petitioner has no concern either with the seized liquor or any trade of liquor or the place of recovery. The said recovery has been made from the 'Gaushal' of the apprehended co-accused Gunjan Kumar, who has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.08.2020 passed in Cr. Misc. No.21687 of 2020. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00/-



(Rupees Twenty Five Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, 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 Salimpur P.S. Case No.48 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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 shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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