

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37537 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

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MOHAN RAI SON OF PERMANAND RAI @ PARMANAND RAY R/O
VILLAGE- CHHOTI BHUSAHI, P.S.- BOCHAHAN, DISTT.-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-09-2022 Heard the parties.

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 stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272, 273 and 34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 6 litres of country made liquor and one small cylinder is said to have been recovered from the shop of co-accused Tulu Rai. The allegation against the petitioner is that he fled away from the spot after seeing police.

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. His name transpired in this case on the basis of secret information. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern with the alleged spot. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

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 Bochahan P.S. Case No.70 of 2021, 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 shall be accepted by the
learned Court below on showing receipt of deposit of
Rs.10,000.00/- (Rupees Ten Thousand) in the Bihar State Legal
Services Authority.

(Anjani Kumar Sharan, J)

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