

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41862 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- PHULPARAS District- Madhubani

1. Suraj Yadav @ Suraj Kumar Yadav S/o Ram Chandra Yadav @ Ramchandra Yadav R/o village- Barki Sangi, P.S.- Phulparas, District- Madhubani
2. Deepak Yadav @ Deepak Kumar Yadav S/o Ram Chandra Yadav @ Ramchandra Yadav R/o village- Barki Sangi, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 171 liters of illicit liquor.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they has falsely been



implicated in the present case on the basis of the confessional statement of the co-accused, namely, Upendra Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that similarly situated co-accused persons, namely, Bijali Raja has been granted anticipatory bail by a Co-ordinate bench of this court vide order dated 29.01.2022 in Cr. Misc. No. 70706 of 2021 and another co-accused Manoj Kumar Yadav has been granted anticipatory bail vide order dated 20.04.2022 passed in Cr. Misc. No. 20333 of 2022. He further submits that the case of the petitioners is on similar footings.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Phulparas P.S. Case No. 201 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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