

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54215 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. PANKAJ KUMAR @ PRANAV KUMAR SON OF SRI SHATRUGHAN YADAV @ SHATRUGHAN RAY RESIDENT OF VILLAGE- KALYANI, P.S.- GAIGHAT, DISTRICT- MUZAFFARPUR
2. RAM DHARMENDRA KUMAR @ DHARMENDRA KUMAR SON OF SRI SHATRUGHAN YADAV @ SHATRUGHAN RAY RESIDENT OF VILLAGE- KALYANI, P.S.- GAIGHAT, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Mani Sharma
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in Gaighat P.S.
Case No.122 of 2021, registered for the offence punishable
under Sections 272, 273, 414 and 34 of the Indian Penal Code
and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and
Excise Act.

Learned counsel for the petitioners submits that there
is no recovery from the conscious possession of the petitioners
rather 30 litres of spirit has been recovered from a Scorpio
vehicle. The petitioners and other co-accused persons are said to
have fled away from the place of occurrence. It is submitted that



petitioner no.1 has got one criminal antecedent whereas petitioner no.2 has got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Petitioners are ready to deposit a sum of Rs.10,000/- (rupees ten thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the fact that there is no recovery from the conscious possession of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Gaighat P.S. Case No.122 of 2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the



petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bonds of the petitioners shall be accepted by learned court below on showing receipt of deposit of Rs.10,000/- (rupees ten thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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