

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55390 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- PHULWARIA District- Begusarai

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Banti Kumar @ Banty Kumar Son Of Mahendra Thakur @ Raju Ram
Resident Of Village- Shokhara-2, Ward No. 6, Barauni, P.S. Fulwaria,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Md. Nazir Ansari

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 24-02-2022 Heard both the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Phulwaria P.S. Case No.54 of 2021 instituted for the offences under Section 414 IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is neither owner of the vehicle or the two motorcycles recovered from the sight nor he was present at the sight.

Taking into consideration that the petitioner figures on the basis of investigation, I am satisfied that exfacie no case under section 30(a) of the Excise Act is made out, I am inclined to grant anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to conditions as laid



down under section 438 (2) of the Cr.P.C., which are as under:-

1. The petitioners, namely, Banti Kumar @ Banty Kumar shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer.
2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required.
3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer,
4. The petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
5. The petitioner shall not leave the territory of Begusarai without prior permission of the court, till trial is over;
6. The petitioner shall maintain law and order;
7. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
8. The petitioner shall surrender his passport, if any,



before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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