

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60560 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- BIHTA District- Patna

=====

PARDESHI YADAV @ PARDESHI KUMAR @ AMRESH KUMAR Son of
Umesh Ray Resident of Village - Chakmunje, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumari Jyoti

For the Opposite Party/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-03-2022 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 under sections 147, 148, 149, 341, 323, 324, 307, 332, 336, 337, 427, 504 and 506 of the IPC, sections 30(a) and 45 of the Bihar Prohibition and Excise Act., 2016 and section 3(1)(R)(s) of SC/ST Act.

Altogether 5 liters of country made liquor is said to have been recovered from the bag of one Indu Devi during police raid. Allegation against the petitioner is that he along with



other co-accused persons as a protest of the raid, attacked and obstructed the police duty and caused injury to the chaukidar and the Home guard.

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 due to village politics. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. The recovery was made from the possession of Indu Devi but the said Indu Devi has already been enlarged on bail vide order dated 02.03.2020 passed in Cr. Misc. No.31564 of 2020. The injury sustained by the Home guard and the chaukidar is found to be simple in nature. Several similarly situated co-accused persons have been enlarged on anticipatory bail by this Court vide order dated 04.02.2022 passed in Cr. Misc. No.39823/2021 along with Cr. Misc. No.39835 of 2021. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees 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 Bihta P.S. Case No.301 of 2020 (Special Case No.3370 of 2020), 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.5000.00/- (Rupees Five Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

