

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52156 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

1. KAPIL RAI @ KAPAL KUMAR S/o Bhulu Rai @ Bhalar Rai @ Bhular Ray R/o village- Khaidu Chhapra, P.S.- Siwaipati, District- Muzsaffarpur
2. Vikash Rai S/o Dharikshan Rai R/o village- Khaidu Chhapra, P.S.- Siwaipati, District- Muzsaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioner seeks permission to
withdraw the present anticipatory bail application with respect
to petitioner no.1.

Permission is accorded.

The petitioner apprehend their arrest in a case
registered for the offences punishable under Sections 272, 273,
480 and 34 of the Indian Penal Code and 30, 30(a), 36, 41 and
41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 15 litre of spirit and empty bottles from a hut like



house near the house of Kapil Rai.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that his name transpired in the confessional statement of minor maternal daughter of late Vishwanath Rai, which has no evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwaipatti P.S. Case No. 44 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

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

