

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2468 of 2022

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

SUMIT KUMAR @ RAJA Son of Jagdish Singh Resident of Village-
Jugharpatti, Ward No.-6, P.S.- Bathanaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-05-2022 Heard the parties.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 414, 420, 120(B) of the IPC and sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that altogether eight persons with two cars and four motorcycles were apprehended from the spot. Some of the persons fled away. On search, 206.280 liters of illicit wine was recovered from the vehicles. The apprehended persons disclosed the name of petitioner and others who fled from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this



case. He has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. His name transpired in the case on the basis of the confessional statement of the apprehended co-accused. Allegation against the petitioner is that seeing the police, he fled away from the spot. He has no concern either with the seized liquor or any trade of liquor. Petitioner has clean antecedents as mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty 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 Sitamarhi P.S.



Case No.725/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund.

(Sandeep Kumar, J)

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