

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64319 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- BITHAN BAZAR District- Samastipur

RAJAN RAY @ PURUSHOTTAM YADAV S/o Gopal Yadav R/o Village-
Sohma, P.S.- Bithan, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 907.500 litres liquor along with a country-made pistol and four live cartridges from the hay house of co-accused Neeraj Kumar.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be



implicated based on the confessional statement of co-accused Neeraj Kumar in police custody which does not have any evidentiary value, it is next submitted that even the alleged recovery is from a place which does not belong to the petitioner. Learned counsel submits that petitioner will not evade the law and will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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. 10,000/- (Rupees Ten 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 Bithan P.S. Case No. 131 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, Gopal Yadav.

However, in the event, if the Investigating Officer of



the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court that he will cooperate in the investigation and will present himself as and when required, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall be entitled to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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