

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38373 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- HARLAKHI District- Madhubani

1. Ajay Yadav @ Ajay Yadava son of Ram Prit Yadav Village- Harlakhi Dist- Madhubani
2. Amesh Yadav @ Amresh Yadav @ Amera Kamara son of Sanjay Yadav Village- Harlakhi Dist- Madhubani
3. Prakash Sada @ Pargar Kamara son of Upendra Sada Village- Harlakhi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

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

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 21 liters of liquor from a motorcycle.

Learned counsel for the petitioners submits that



the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that petitioners are not the owner of the seized motorcycle and they came to be implicated by the local villager, but then the F.I.R. does not disclose the name of the villager who disclosed the name of the petitioners when admittedly petitioners are persons with clean antecedent.

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 petitioners, the petitioners above-named, 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. 1,000/- (Rupees One Thousand) each 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 Harlakhi P.S. Case No. 76 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court before accepting



the bail bonds of the petitioners shall verify about the ownership of the alleged motorcycle and in the event if it is found that anyone of the petitioners is owner of the alleged motorcycle then in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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