

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40496 of 2023

Arising Out of PS. Case No.-79 Year-2021 Thana- CHARPOKHARI District- Bhojpur

SAROJ YADAV Son of Ramadhar Yadav Resident of Mohalla - Indra Nagar
Ranchi Road, P.S.- Ramgarh Cantt Murar, P.S.- Murar, District - Ramgarh,
Jharkhand. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is apprehending his arrest in connection
with Charpokhari P.S. Case No. 79 of 2021 for the offence
under Sections 30(a) of Bihar Excise Act lodged on 13.05.2021
by the informant, Sanjay Kumar Yadav.

As per the prosecution story, the Police intercepted a
motorcycle and recovered 16 liters of *Mahua* liquor and
apprehended Guddu Kumar and Dilip Kumar. As the motorcycle
was in the name of the present petitioner, his name has also
came.

It is the case of the learned counsel for the petitioner
that actually, the said motorcycle was given in dowry to one
Guddu Kumar with whom his sister is married and as such he
had no connection with the said recovery. However, as the
motorcycle belong in his name, the same was handed over to



Guddu Kumar at the time of marriage.

Learned APP opposes the prayer stating that the motorcycle belongs to him.

Considering the aforesaid facts that the motorcycle was given in dowry to Guddu Kumar which has also been corroborated by the marriage card i.e. part of the record as Annexure-3, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

However, it is made clear that if the petitioner has criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court No. 1st, Bhojpur at Ara, in connection with Charpokhari P.S. Case No. 79 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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