

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47650 of 2023**

Arising Out of PS. Case No.-494 Year-2022 Thana- BIRAUL District- Darbhanga

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GAUTAM KUMAR JHA @ GAUTAM JHA S/O RAMESH JHA R/O
Village- Kataiya, Post- Ladaho, P.S- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard Ms. Shilpi Keshari, learned counsel for the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Biraul P.S. Case No. 494 of 2022 for the offence registered under sections 420, 467, 468, 471 and 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.12.2022 by the informant, Manish Kumar.

As per the prosecution story, the police upon information reached the place and from four vehicle i.e. a truck, a 'Bolero', a Tata pick-up van as also 'Scorpio' and Honda motorcycle, altogether 3554.19 litres of whisky were



recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that only because he has criminal antecedent, implicated.

It is her submission that those who were part of the said transaction/business escaped while the petitioner has been dragged in the FIR. The last submission is that two of the similarly placed co-accuseds namely, Chandan Kumar @ Avinash Kumar Thakur @ Avinash Kumar @ Avinish Kumar Thakur and Chandan Ram @ Chandan Kumar Ram have been granted anticipatory bail in Cr. Misc. No. 22515 of 2023 and Cr. Misc. No. 18485 of 2023 respectively by different co-ordinate benches of this Court.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that similarly situate persons have been granted relief.

Considering the aforesaid facts that has been submitted by the learned Counsel for the petitioner as also that two of the similarly placed accused persons, as stated above, have been granted relief by co-ordinate benches, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of



receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-IIInd, Darbhanga in connection with Biraul P.S. Case No. 494 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 month for next one year to mark 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 the bail bonds.

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

(Rajiv Roy, J)

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