

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47487 of 2023**

Arising Out of PS. Case No.-247 Year-2023 Thana- MUFFASIL District- Aurangabad

RAJA KUMAR SON OF SANTOSH RAM RESIDENT OF VILLAGE-
SAYA, PS- MALI, DISTT- AURANGABAD Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard Mr. Aman Vishal, learned counsel for the

petitioner and Mr. Md. Matloob Rab, learned APP for the State.

The petitioner is apprehending his arrest in connection with Aurangabad Mufassil P.S. Case No. 247 of 2023 for the offence under section 393 of the I.P.C. and section 37 of Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 11.06.2023 by the informant, Hari Shankar Paswan.

As per the prosecution story, the allegation is that upon secret information, two persons were intercepted but one managed to escape, while the other Pankaj Kumar was apprehended. Foul smell was coming from the mouth of Pankaj Kumar and on breath analyser, it was found that he is in an inebriated state. He gave the name of the persons escaped. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that a person who was in a drunken state, any name given by him is fit to be rejected and in that backdrop, the petitioner is entitled to



anticipatory bail.

His further submission is that the petitioner do not have criminal antecedent.

Learned APP opposes the prayer stating that the person apprehended has named him.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has been named by a person who was in a drunken state, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No. 01, Aurangabad (Bihar), in connection with Aurangabad Mufassil P.S. Case No. 247 of 2023 subject to the conditions 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/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.

Before parting, this Court would like to put on record its word of appreciation for Mr. Aman Vishal, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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