

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53431 of 2023

Arising Out of PS. Case No.-385 Year-2020 Thana- ATRI District- Gaya

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RAN VIJAY YADAV @ RAN VIJAY @ VIJAY YADAV S/O TETAR
YADAV R/O VILLAGE- NARAWAT, POST OFFICE- PIYAR, PS. ATRI,
DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 40 liters of liquor from a gallon found at the bank of
a river along with 1600 liters of *Mahua* which was destroyed at
the spot and one country made rifle was also recovered.

4. Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term, it is next submitted that even the alleged recovery is from a place which is accessible to public at large, it is next submitted that allegation under the arms act is ornamental and has been levelled in order to give a serious colour to the case. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence as it has been submitted that petitioner was not even present at the place of occurrence.

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

6. 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 trial court 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 trial court where the case



is pending/successor court in connection with Atri P.S. Case No. 385 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that 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 is not co-operating in the investigation or is not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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