

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8149 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- SAHARGHAT District- Madhubani

1. Subhash Kumar Bhagat, Son Of Bishwanath Bhagat Resident Of Village - Uttra, P.S. - Saharghat, District - Madhubani
2. Sudhanshu Kumar, Son Of Bishwanath Bhagat Resident Of Village - Uttra, P.S. - Saharghat, District - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-02-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Sudhanshu Kumar.
3. Permission is accorded.
4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, namely, Sudhanshu Kumar.
5. The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 272, 273, 414 and 34 of the I.P.C. and Section 30(a) of



the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 18 litres of liquor from two motorcycle.

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus, would create evidence against himself and hence, would get implicated. It is next submitted that he came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent.

8. Learned A.P.P. opposes the bail application.

9. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 500/- (Rupees



Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Saharghat P. S. Case No.130 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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