

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16882 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- KOTWA District- East Champaran

Anil Yadav Son of Lalita Yadav @ Lalit Yadav R/o Village- Chaubetola, P.S.-
Kotwa (Bhopatpur O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(APP), APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed vide order dated 01.02.2024 passed in Cr. Misc. No. 1676 of 2024.

3. The petitioner seeks bail in connection with Kotwa (Bhopatpur) P.S. Case No. 349 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 332, 333, 353, 427, 504, 506 of the Indian Penal Code and Section 30(a), 32, 41(1), 45 of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 241.920 liter English liquor from the house of the co-accused Suraj Kumar Yadav. It is also alleged that in course of



search, the petitioner along with co-accused persons started pelting stone on police personnel as a result, some police personnel got injured and vehicle of the police got damaged.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case on the basis of disclosures made by the *Chaukidar*. The petitioner has no concern with the seized liquor. The petitioner has two criminal antecedents of similar nature of offence as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 27.12.2023.

6. Learned counsel for the petitioner again submits that the co-accused Bhageshwar Kushawaha has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 8852 of 2024. He further submits that co-accused Suraj Kumar Yadav, Mohit Yadav, Anil Yadav, Pappu Yadav, Jaikishor Yadav and Shatrudhan Yadav have also been granted bail by a Co-ordinate Bench of this Court vide order dated 01.02.2024 passed in Cr.



Misc. No. 1676 of 2024.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa (Bhopatpur) P.S. Case No. 349 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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