

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13960 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- AURAI District- Muzaffarpur

Santosh Kumar Son of Ram Kailash @ Ram Kailash Ray Resident of Village-
Dharampur, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 07-03-2024 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, 273 and
34 of the IPC and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of of 317.520 litre of liquor from the husk house of Ram
Kailash Rai.

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. It is further submitted
that petitioner came to be implicated based on the fact that he is
son of Ram Kailash Rai. It is also submitted that husk house is a
place outside the house and as such is accessible to villagers at



large. It is next submitted that no prudent person would use his own premises for committing an occurrence and would create evidence against himself and hence would get implicated. It is next submitted that since the house was in the name of his father, as such he was arrested and he was made to confess about the involvement of the petitioner when petitioner admittedly is a person with clean antecedent. It is also submitted that no father would ever implicate his own son.

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. 500/- (Rupees Five Hundred) 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 Aurai P.S. Case No. 292 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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