

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16212 of 2024

Arising Out of PS. Case No.-579 Year-2022 Thana- BAHERA District- Darbhanga

RAKESH PASWAN SON OF VIDESH PASWAN R/O-HARSINGHPUR,
P.S.-BAHERA, DISTT.-DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bahera P.S. Case No. 579 of 2022 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 13.11.2022 by the informant, Arun Kumar Yadav.

3. As per the prosecution story, the informant alleged that on secret information, a person was caught having six bags of 'Nepali' liquor totalling 172.8 litres. Accordingly, the seizure and the FIR.

4. Learned Counsel for the petitioner submits that only because the motorcycle belongs to him, implicated. This was given to one of the villager/accused who has misused the



same.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner is ready to pay Rs. 20,000/- towards his contribution to the two lawyers who died on 13.03.2024 in the Civil Court premises in Patna due to transformer blast and the demand draft will be given in the name of District Legal Services Authority, Patna who may in turn deliver two cheques of Rs. 10,000/- each to the family of the two victim lawyers died in the transformer incident.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

7. Taking into account the submissions put forward by the parties as also that the recovery is from another person, he has been implicated due to the motorcycle that he owns, do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/- which in turn the D.L.S.A., Patna shall deliver vide two cheques of Rs. 10,000/- each to the families of the two victim lawyers who died in the transformer incident, as stated above.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II, Excise Act, Dharbhanga in connection with Bahera P.S. Case No. 579 of 2022 subject to condition 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 *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 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 the bail bonds.

9. Let a copy of the order be sent to the President of
the Patna Civil Court Bar Association.

(Rajiv Roy, J)

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