

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29048 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- PANDAUL District- Madhubani

1. Raj Kumar Paswan S/o- Jamun Paswan Village- Vithi Salempur Ps- Pandaul Dist- Madhubani
2. Shatrughan Paswan son of Narayan Paswan Vill- Vithi Salempur Ps- Pandaul Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prabhakar Thakur, Advocate

For the Opposite Party/s : Mr Ajay Kumar No 2, APP

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioners and the learned APP for the State.

2 The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273/34 of the IPC and Section 30 (a) of the Bihar Excise Act.

3 Learned counsel for the petitioners submits that petitioner No 1 has no antecedent and petitioner No 2 has one antecedent and allegation is of recovery of 10 liters of country made liquor from a bush behind the house of petitioner No 1 and 10 liters from another bush behind the house of petitioner No 2. It is next submitted that the petitioners were not arrested from the spot and, as such nothing was recovered from their



conscious possession. It is next submitted that the recovery has been made from a place which is accessible to the public at large. It is also submitted that in majority of the cases, the police, in a mechanical manner, is implicating the innocent persons at the instance of Chowkidar or local people but then it does not stand to reason that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

4 Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

5 Considering the submissions made by the learned counsel for the petitioners, the petitioners above named, in the event of their arrest or surrender before the learned trial Court within a period of six weeks from today, be released on anticipatory bail on each of them furnishing bonds of Rs 5,000/- (Rupees Five 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 Pandaul PS Case No 10 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr P C.

6 It is made clear that the learned trial Court before



accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner No 1 has antecedent of even one case and petitioner No 2 has more than one case, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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