

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27357 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

Umesh Kamti S/o Yogendra Kamti R/o Village Sarvsima PS Bhairavsthan
Distt Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha
For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 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 of the Indian
Penal Code read with Sections 30(a) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of five cases and allegation is of recovery of
6138.360 liters of liters from a Scorpio vehicle and a truck.

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 and is neither the owner nor
the driver of the seized vehicle and he came to be implicated based
on confessional statement of Sanjeet in police custody which does
not have any evidentiary value. It is also submitted that it appears
that police in order to save the real culprits falsely implicated the



petitioner through Sanjeet.

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. 25,000/- (Rupees Twenty 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 Bhairavsthan P.S. Case No. 06 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than five cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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