

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33312 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- JAYNAGAR District- Madhubani

Arun Kumar @ Arun Kumar Yadav @ Arun Yadav son of Ramshish Yadav @
Munni Yadav R/o - vill- Kaudh , P.S- Jaynagar, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 42 of 2024 arising out of Jaynagar P.S. Case No. 21 of 2024 for the offence registered under sections 272, 273, 307, 353, 224 and 34 of the Indian Penal Code and sections 30(a) and 45 of the Bihar Prohibition and Excise Act lodged on 11.01.2024 by the informant, Gopal Krishna.

3. As per the prosecution story, the informant upon secret information, intercepted motorcycle. Though one person managed to escape, the other was apprehended and there is recovery of 198 litres liquor. In the meantime, some accused persons arrived and forcibly tried to get release of the apprehended persons from police custody. In the process,



allegation against one Barun Yadav is of assaulting the police by 'lathi' on head while the other managed to make Pandav Yadav escape along with the liquor and the motorcycle. The other motorcycle which was left out was searched and the recovery/seizure made. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that he has no role to play in the alleged recovery of the liquor, the second part in which forcibly taking away the accused, his name has come, the *chawkidar* has named him due to enmity.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 5,000/- on their own to the Chief Minister's Relief Fund.

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

7. Taking into account the fact that the recovery/seizure is from the motorcycle which does not belong to the petitioner. Further, allegation of assault is on Barun Yadav, he is part of the mob, against him the allegation is of making the accused free, F.I.R lodged, will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5,000/-, 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 Court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.R. No. 42 of 2024 arising out of Jaynagar P.S. Case No. 21 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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.

(Rajiv Roy, J)

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