

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33110 of 2024

Arising Out of PS. Case No.-319 Year-2018 Thana- DESARI District- Vaishali

Sharvan Kumar Son of Kapildeo Singh R/O Village- Gajipur, P.S.- Desari,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 414,
379 and 34 of the IPC and Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and allegation is of
recovery of 360 ml liters of liquor from from a place near the
shop of Aman and Deepak along with two stolen motorcycle.

It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession. It is further submitted that petitioner has no role in
committing theft of the motorcycle. It is further submitted that
instant FIR was instituted on 07.11.2018 and the petitioner in



connection with Desari P.S. Case No.293 of 2018 was in custody since 11.10.2018 to 04.02.2019 and was granted regular bail by this Court in Cr. Misc. No.1143 of 2019 by an order dated 04.02.2019. It is thus submitted that it amply demonstrates that how police mechanically implicates and in the present case the petitioner was implicated based on confessional statement of Deepak and Aman.

The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ----- in connection with, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases, then also the present anticipatory bail order shall not be given effect to.



The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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