

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32358 of 2024

Arising Out of PS. Case No.-566 Year-2023 Thana- SUGAULI District- East Champaran

Jeevan Sahani @ Jeevan Kishor S/o- Gagandeo Sahani Village- Mushawa
Bherihari Ps- Sugauli Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2024 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 offence punishable under Sections 272, 273, 34 of the I.P.C.
and Sections 30(a), 41 of Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
10 litres of liquor from two motorcycles. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of any
of the seized vehicle and he came to be implicated at the instance of
chowkidar with whom he is on an inimical term. It is next submitted
that if the chowkidar was aware of the involvement of the petitioner
in the occurrence then why he did not inform the police prior to



institution of the instant F.I.R., which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (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 Sugauli P.S. Case No.566/2023, 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 petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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