

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32167 of 2024**

Arising Out of PS. Case No.-35 Year-2024 Thana- BHAGWANPUR District- Vaishali

Sunny Kumar Son of Raj Kumar Ray Resident of Village - Shyampur, Police Station - Bhagwanpur, District - Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 22-05-2024 Heard Mr. Bijay Bhushan Prasad, learned Counsel
for the petitioner and Mrs. Asha Devi, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 35 of 2024 for the offence registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 22.02.2024 by the informant, Santhu Kumar.

3. As per the prosecution story, the informant alleged that upon patrolling duty and confidential information, the mustard field of Arjun Rai was raided, two persons managed to escape and identified by the *chawkidar*, the petitioner being one of them. Further, upon search, 15 litres Indian made foreign liquor recovered/seized. This followed the F.I.R.



4. Learned Counsel for the petitioner submits that admittedly raid took place in the house of Arjun Rai, due to enmity the *chawkidar* named him, nothing to do with the alleged recovery and has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the *chawkidar* identified him.

6. Taking into account the aforesaid submissions put forward by the parties as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 35 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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