

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34068 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

1. Sudish Rai @Sudhish Rai Son of Kirani Rai Resident of Village- Hursepur Naya Tola, P.S- Sahebganj ,Dist- Muzaffarpur
2. Birbal Rai Son of Umesh Ray Resident of Village- Dharphuri Tola , Pokharapur, P.S- Deoria, Dist- Muzaffarpur
3. Manoj Sinha Son of Ratan Sahani Resident of Village- Hursepur Nayatola, P.s- Sahebganj , Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) and 30(d) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner no. 2 has antecedent of one case and petitioner nos. 1 and 3 are person with clean antecedent and allegation is of recovery of 120 liters of liquor from bank of Gandak river.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and even the alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners. It is next submitted that they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term. It is further submitted that if the *Chowkidar* was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 5,000/- (Rupees Five Thousand) each 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 Sahebganj P.S. Case No. 92 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 petitioners shall verify



their criminal antecedent and in the event if it is found that petitioner nos. 1 and 3 have antecedent of even one case and petitioner no. 2 has 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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