

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37893 of 2024

Arising Out of PS. Case No.-699 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Birendra Mukhiya Son of Shankar Mukhiya Resident of village - Rampur,
P.S.- Darpa, District - East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 226-06-20241. 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 offences punishable under Sections 30(b)(c),
32, 41(i) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of eight cases and allegation is of
recovery of 400 liters of Jaggery Solution from a place near
bank of river Dudhaura.
4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even alleged
recovery is from a place which does not belong to the petitioner



and is accessible to public at large and he came to be implicated at the instance of Chawkidar. It is next submitted that it appears that the Chawkidar in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedent. It is further submitted that if Chawkidar 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 FIR which cast aspersion on the case of the prosecution.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 40,000/- (Rupees Forty 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 Muffasil (Lakhaura) P.S. Case No. 699 of 2023 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 petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that



petitioner has antecedent of more than eight cases in that event, the
present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

shivam/-

U		T	
---	--	---	--

