

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35990 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- MADHEPUR District- Madhubani

Jaygovind Saday Son Of Shahdeo Saday Resident Of Village - Mahisam
Kaparthora, P.S. - Madhepura, District - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2024 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 Indian
Penal Code and Sections 30(a) and 47 of Bihar Prohibition and
Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 22 litres of liquor from two motorcycles as detailed in
the F.I.R. It is next submitted that petitioner was not arrested from
the spot as such nothing was recovered from his conscious
possession and he came to be implicated based on the fact that he is
owner of one of the seized motorcycles. It is next submitted that no
prudent person would use his own vehicle for committing an
occurrence and thus would create evidence against himself and hence



would get implicated. It is thus submitted that the petitioner was completely unaware that Dinesh would misuse his vehicle in the manner as alleged, who was also apprehended from the spot.

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.500/- (Rupees five hundred) 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 Madhepur P.S. Case No.303/2023, 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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