

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37488 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- PAKRIDAYAL District- East Champaran

1. Jaggilal Sahani Son of Late Ramveer Sahni Resident of Village- Majhar Godhiya Tola, Ward No-14, P.S- Pakaridayal, Dist- East Champaran
2. Tunna Sahani Son of Late Ramveer Sahni Resident of Village- Majhar Godhiya Tola, Ward No-14, P.S- Pakaridayal, Dist- East Champaran
3. Radhey Shyam Sahani Son of Ram Chandra Sahani Resident of Village- Majhar Godhiya Tola, Ward No-14, P.S- Pakaridayal, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2024 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 273/34 of the Indian Penal Code as well as Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 have antecedent of one case and petitioner no. 3 has antecedent of three cases.

4. Allegation is of recovery of 100 litres of liquor from the bank of a dam.

5. Learned counsel for the petitioners submits that



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 does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is further submitted that the police in majority of the cases are implicating the accused either at the instance of the Chawkidar or the local person but then it absolutely does not stand to reason that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Pakridayal P.S. Case No. 61 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners no. 1 and 2 have antecedent of more than one case and petitioner no. 3 has antecedent of more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Kundan/-

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

