

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42350 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- Patauna District- Madhubani

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1. Kanhaiya Lal Sah @ Kanhaiya Kumar S/O LALAN SAH @ LALAN KUMAR SAH R/O VILLAGE- Nahas, Ward No.04, PATAUNA, DIST- MADHUBANI
 2. AMAN KUMAR SAH @ AMAN KUMAR @ AMAN SAH S/O O.P. SAH @ UPENDRA SAH R/O VILLAGE- Nahas, Ward No.04, PATAUNA, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Patauna P.S. Case No. 07 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 Act lodged on 17.03.2024 by the informant, Dinesh Yadav.

3. As per the prosecution story, the informant alleged that on the basis of information, reached near the mango orchard and found people escaped from that place. Upon search, 81.60 litres of Nepali country made liquor recovered/seized. Accordingly, the F.I.R.



4. Learned Counsel for the petitioners submit that a perusal of the F.I.R. would show that the recovery/seizure is from an open place, only due to enmity, name has come up, none of them have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the locals have identified them.

6. Taking into account the aforesaid facts as also the recovery that is from an open place, both the petitioners do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners 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 Court of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Patauna P.S. Case No. 07 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 petitioners, who shall provide official



document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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