

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40297 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- ANDHRAMATH District- Madhubani

DEEPAK KUMAR S/O KAILU YADAV R/O VILLAGE- CHHATAPUR,
P.S- ANDHRAMATH, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard Ms. Nitu Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Andhramath P.S. Case No. 167 of 2023 for the offence punishable under sections 272, 273, 414, 34 of the I.P.C. and section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 05.10.2023 by the informant, Shyam Kumar Gautam.

3. As per the prosecution story, the informant alleged that upon secret information that liquor is being coming from Nepal, a motorcycle was intercepted and 36 liters Nepali country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has no role to play in the matter neither the motorcycle belongs



to him and only because Mukesh Kumar, the apprehended person named him, implicated. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that Deepak Kumar has named him.

6. Taking into account the aforesaid submissions as also the fact that nothing has been recovered from his possession nor the motorcycle belongs to him and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Andhramath P.S. Case No. 167 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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

(iv) the petitioner 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 the bail bonds;

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

(Rajiv Roy, J)

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