

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39903 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- LAKHNAUR District- Madhubani

VIDYANAND YADAV SON OF BAIDHYANATH YADAV @
VAIDHANATH YADAV RESIDENT OF VILLAGE - MALBI, EAST TOLE,
P.S. - LAKHNAUR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Lakhnaur P.S. Case No. 47 of 2024 for the offence under Sections 272 and 273 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 17.03.2024 by the informant, Kamlesh Kumar.

3. As per the prosecution story, Police upon secret information that the petitioner is selling liquor raided the place, a person escaped and from the agricultural field, there was recovery of a jute bag consisting of 116 liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent he has been implicated, the



recovery is from an open place which cannot be attributed to him, he is ready to cooperate in the investigation/face the trial. Further, the submission is that without accepting the allegation, the petitioner intends to deposit Rs. 5,000/- with the District Legal Service Authority, Madhubani which shall be used exclusively for the purchase of Journals/SCC/BLJ.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the submission put forward by the parties as also the recovery which is from an open place, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be deposited with the District Legal Service Authority, Madhubani.

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 Additional District and Session Judge-II-cum-Special Excise Judge, Jhunjharpur District Madhubani, in connection with Lakhnaur P.S. Case No. 47 of 2024 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)

Adnan/-

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