

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40029 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- RAJNAGAR District- Madhubani

Dipu Chaudhary @ Dipesh Ranjan SON OF AMARNATH CHAUDHARY
R/O VILL - CHAKDAH, WARD NO 21 , P.S- RAJNAGAR, DIST-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40920 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- RAJNAGAR District- Madhubani

JITENDRA KUMAR @ JITENDRA CHAUDHARY SON OF MURARI
CHAUDHARY RESIDENT OF VILLAGE - CHAKDAH WARD NO. 21,
POLICE STATION - RAJNAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40029 of 2024)

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 40920 of 2024)

For the Petitioner/s : Mr.Md Soban Asghar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rajnagar P.S. Case No. 84 of 2024 instituted under Sections 272, 273, 34 of the Indian Penal Code and section 30(a) of Bihar Prohibition and Excise Act lodged on



22.3.2024 by the informant, Radha Krishna Prasad.

3. As per the prosecution story, the informant, the Police Party, upon information reached the place near 'Brahmsthan' and upon sight of the police some people escaped. Altogether 31.860 liters of Nepali foreign wine recovered/seized. The locals gave the name of these petitioners. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that the recovery is from an open place and only because the petitioner in Cr. Misc. No. 40029 of 2024 has criminal antecedent, implicated. The petitioner in Cr. Misc. No. 40920 of 2024 do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the locals gave the name of these petitioners.

6. Taking into account the aforesaid facts as also the recovery is from an open place, FIR lodged, they will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Rajnagar P.S. Case No. 84 of 2024 to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;



(vi) 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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