

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41366 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- KALUAHI District- Madhubani

Shyam Mukhiya, S/o Banbari Mukhiya R/o Village-B. Belahi, P.s.-Kaluahi,
District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Kaluahi P.S. Case No. 60 of 2024 registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during patrolling duty the police party apprehended a motorcycle from which 32 liters of Mahua wine was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case being the owner of the seized motorcycle. It is further submitted that petitioner was not driving the motorcycle and was not present on spot. It is submitted that the co-accused



Jhamlal Yadav has taken his motorcycle on the pretext of some medical emergency. Nothing has been recovered from his possession or from the house of the petitioner. There is no allegation that the petitioner fled away from the spot. Petitioner undertakes to cooperate in the investigation and trial of this case.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Kaluahi P.S. Case No. 60 of 2024, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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