

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41379 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- BABUBARHI District- Madhubani

1. Ram Nath Paswan, Son of Late Chanai Paswan @ Late Chandu Paswan R/O Vill.- Mohanpur, P.S.- Babubarhi, Dist.- Madhubani
2. Babita Devi, Wife of Ram Nath Paswan R/O Vill.- Mohanpur, P.S.- Babubarhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 272, 273, 414 and 34 of the I.P.C. and Sections 30(a), 41 and 37 of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman and the allegation is of recovery of 14 litres of liquor from possession of Saroj Kumar Mandal along with a motorcycle.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized motorcycle and they came to be implicated based on confessional statement of Saroj Kumar Mandal in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II Ind-cum- Special Judge, Excise Act, Madhubani in connection with G.R. No.483 of 2024 arising out of Babubarhi P. S. Case No.146 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, in that



event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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