

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41681 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- SITAMARHI District- Nawada

Mukesh Kumar SON OF KARGUL CHAUHAN @ KARU CHAUHAN
VILLAGE- JHIKARUA BELDARI, PS- NARHAT, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-07-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of six cases and allegation is of recovery of 160 liters of liquor from a motorcycle.
4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is further submitted that no doubt petitioner is the owner of the motorcycle but then an FIR was instituted by the petitioner



being Narhat P.S. Case No. 138 of 2024 dated 01.04.2024. It is next submitted that the instant FIR came to be instituted on 02.04.2024 in which the motorcycle of the petitioner was apprehended. It is thus submitted that petitioner had already instituted a case with regard to the theft of his motorcycle, as such it appears that his motorcycle was misused by the miscreants who committed theft of the same.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi P.S. Case No. 17 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it



is found that petitioner has antecedent of more than six cases
in that event, the present anticipatory bail order shall not be
given effect to.

(Satyavrat Verma, J)

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