

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42219 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- MADHWAPUR District- Madhubani

RAJEEV KUMAR SON OF LAKHINDRA SINGH VILLAGE- BENGHA
NANPUR, P.S.- NANPUR, DISTT.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Madhwapur P.S. Case No. 46 of 2024 registered under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 07.04.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that on checking, he intercepted two bikes and though the accused managed to escape, from two motorcycles, 90-90 liter each (total 180 liters) Nepali countrymade liquor recovered/seized. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that one of the motorcycle belongs to him which he had given to



neighbour of the village which led to his implication. Nothing has been recovered from his conscious possession and he is ready to face the trial. The last submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts as also that he do not have criminal antecedent, F.I.R. lodged, he will be facing the trial, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Madhwapur P.S. Case No. 46 of 2024 subject to condition 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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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