

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51840 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- RAJNAGAR District- Madhubani

1. Pankaj Kumar Paswan @ Pankaj Paswan, Son of Raj Kumar Paswan R/O Vill.- Gosai, Kaithahi, P.S.- Rajnagar, Dist.- Madhubani
2. Manoj Paswan, Son of Fulli Paswan R/O Vill.- Gosai, Kaithahi, P.S.- Rajnagar, Dist.- Madhubani
3. Tetar Paswan, Son of Chhedi Paswan R/O Vill.- Gosai, Kaithahi, P.S.- Rajnagar, Dist.- Madhubani
4. Doma Paswan @ Sajan Paswan @ Sajan, Son of Bhola Paswan R/O Vill.- Gosai, Kaithahi, P.S.- Rajnagar, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2024 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 and 34 of the I.P.C. and Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case, petitioner no.2 has antecedent of two cases while petitioner nos.3 and 4 are persons with clean antecedent and the allegation is of recovery



of 11 litres of liquor from a place near a pond apart from 07 litres of liquor which is alleged to have been recovered from the house of Bhikhari Giri.

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 even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and they have no concern with Bhikhari Giri and they came to be implicated at the instance of local people. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar or local person, they came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which cast an aspersion of the case of the prosecution as implication appears to be mechanical.

5. Learned A.P.P. opposes the anticipatory 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum- Special Excise Judge, Madhubani in connection with Rajnagar P. S. Case No.69 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 petitioner no.1 has antecedent of more than one case, petitioner no.2 has antecedent of more than two cases and petitioner nos.3 and 4 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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