

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51675 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- RAJNAGAR District- Madhubani

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UMESH PASWAN @ GAVAN PASWAN SON OF BHUWAN PASWAN
RESIDENT OF VILLAGE - GOSAI BHUM, KAITHAHI, WARD NO.7,
POLICE STATION - RAJNAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Raj Nagar P.S. Case No. 180 of 2024 instituted under Sections 272, 273, 34 of the Indian Penal Code lodged on 31.05.2024 by the informant, Sintu Kumar.

3. As per the prosecution story, the informant alleged that upon information that accused persons including this petitioner are selling country made liquor, reached the place and upon search of the house, nothing was recovered but further upon search of the orchard, manufacturing articles alongwith 300 liters of raw materials and 15 liters of country made liquor recovered/seized followed by the FIR.

4. Learned counsel for the petitioner submits that



perusal of the FIR would show that it has been recovered from an open place which cannot be attributed to him. Admittedly, nothing has been recovered from his house. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that it has been recovered near to the house of the petitioner.

6. Taking into account the facts as also the recovery which is from an open place, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Raj Nagar P.S. Case No. 180 of 2024 to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 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 his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 the 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 his bail bonds.

(Rajiv Roy, J)

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