

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54889 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Lalbabu Thakur S/O Ramesh Thakur R/O Village-Gorgawan,P.S.-Kundwa Chainpur, Distt-East champaran at Motihari
 2. Sajjan Kumar S/O Pramod Singh R/O Village-Gorgawan,P.S.-Kundwa Chainpur, Distt-East champaran at Motihari
 3. Bablu Kumar S/O Parmanand Sah R/O Village-Raksa,Dhaka,P.S.- Dhaka,Distt-East champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Learned counsel for the petitioners, at the outset submits that he may be permitted to withdraw the petition so far as the petitioner nos. 2 and 3 are concerned.

2. Permission accorded.

3. Accordingly, the petition with regard to petitioner nos. 2 and 3 is dismissed as withdrawn.

4. Heard Mr. Sujeet Kumar, learned Counsel for the petitioner and learned APP for the State.

5. The petitioners apprehend his arrest in connection with Kundwa Chainpur P.S. Case No. 86 of 2024 for the offence registered under sections 414/34 of the Indian Penal Code and



30(a), 32, 41(1) of the Bihar Prohibition & Excise Special Excise Court No. 3, East Champaran at Motihari lodged on 20.06.2024 by the informant Ranju Kumar.

6. As per the prosecution story, the informant, the police officer alleged that upon information, proceeded and found two motorcycles coming. At the sight of the police jeep, they left the motorcycles and escaped. The police was able to catch one person, Bikki Kumar who gave the name of the escaped person as Lalbabu Thakur. Further, there was a recovery of 342 litres of Nepali liquor from both the motorcycles. The further allegation is that upon query, Bikki Kumar informed that the liquor belongs to Bablu Kumar and Sajjan Kumar (petitioner no. 2 and 3). Accordingly, the FIR.

7. Learned Counsel for the petitioner submits that his name has come only on the confession of Bikki Kumar, he do not have any role to play in the matter and further he do not have criminal antecedent.

8. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has been named by the arrested person.

9. Considering the aforesaid submissions as also the fact that nothing has been recovered from the conscious



possession of petitioner no. 1 namely, Lalbabu Thakur, he do not have criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions.

10. Let the petitioner no. 1 (Lalbabu Thakur) 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 Exclusive Special Excise Court No. 3, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No. 86 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 members/relatives of the petitioner no. 1 (Lalbabu Thakur), who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 1 (Lalbabu Thakur) 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 no. 1 (Lalbabu Thakur) shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner no. 1 (Lalbabu Thakur) 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 no. 1 (Lalbabu Thakur) 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)

Vijay Singh/-

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