

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55314 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- SATHI District- West Champaran

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1. Rambhu Mukhiya S/O Lal Mukhiya R/O Village-Basantpur, PS- Sathi, District- West Chamapran
 2. Madan Mukhiya S/O Shivnath Mukhiya R/O Village-Basantpur, PS- Sathi, District- West Chamapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the outset, learned counsel for the petitioner submits that in view of arrest of the petitioner no. 2 namely, Madan Mukhiya, during pendency of the present application, the same has become infructuous in so far as it relates to petitioner no. 2

3. Accordingly, the anticipatory bail application is dismissed as withdrawn so far as it relates to petitioner no. 2.

4. The anticipatory bail application, now, confines to petitioner no. 1 namely, Rambhu Mukhiya

5. The petitioner apprehends arrest in connection



with Sathi P.S. Case No. 88 of 2024 dated 12.05.2024 instituted for the offence punishable under Section 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

6. The allegation is of recovery of 50 litres of country made liquor from the bank of Sikrahna river. It is alleged that one person was apprehended at the spot, namely, Bunela Yadav, who disclosed the names of the others, including the petitioner, who succeeded in fleeing away.

7. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has not been arrested at the spot. Only on the basis of disclosure made by the apprehended person, the petitioner has been made accused in this case. Nothing has been recovered either from the possession of the petitioner or from his house. Similarly situated co-accused, namely, Nand Kishore Yadav has been granted bail vide order dated 24.07.2024 passed by this Court in Criminal Miscellaneous No. 46142 of 2024. It is further stated that other co-accused namely, Ramu Mukhiya has been granted bail vide order dated 09.08.2024 passed by this Court in Criminal Miscellaneous No. 58809 of 2024. Lastly, it has been submitted



that petitioner has one criminal case against him.

8. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sathi P.S. Case No. 88 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise II, Bettiah, West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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