

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56097 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- LAUKAHI District- Madhubani

Shivrath Yadav @ Shiv Kumar Son Of Daya Lal Yadav Dajai Yadav @
Dangai Yadav R/V- Village- Nahar Chawk, Atri P.O.- Laukahi, P.S.- Laukahi,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard Mr. Ratnakar Jha, learned counsel for the
petitioner and the State.

The petitioner is apprehending his arrest in connection
with G.R. No. 258 of 2024 arising out of Laukahi P.S. Case No.
67 of 2024 for the offence under Sections 272, 273 and 34 of the
I.P.C and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022. lodged on 29.03.2024 by the
informant, Anand Kumar.

3. As per the prosecution story, the informant alleged
that during the course of patrolling, upon secret information, a



Santro car was intercepted. Both the accused escaped, the chowkidaar gave the name as Shivrath Yadav and in presence of witnesses upon search, 450 litre country made liquor recovered/seized. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that he is neither the owner nor was driving the car but the chowkidar due to enmity, and the fact that he has criminal antecedent implicated. It is categorical submission that he has no relationship with the alleged car and the last submission is that the petitioner intends to deposit Rs.10,000/- to the District Legal Services Authority, Darbhanga (for the exclusive use of journals).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions put forwarded by the parties as also that he do not own the Santro car from which the alleged recovery has taken place, the petitioner has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of the Rs.10,000/- to the D.L.S.A. (Darbhanga).

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in connection with G.R. No. 258 of 2024 arising out of Laukahi P.S. Case No. 67 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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;

(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)

Ankit Kumar/-

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