

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60817 of 2024

Arising Out of PS. Case No.-367 Year-2024 Thana- LAKHISARAI District- Lakhisarai

1. Rajesh Kumar S/o- Brahmdev Kewat Village- Jokmaila p.s. Lakhisarai, Dist- Lakhisarai
2. Prashant Kewat @ Prashant Kumar S/o- Brahmdev Kewat Village- Jokmaila p.s. Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Learned counsel for the petitioners submit that during the pendency of the present petition, petitioner No. 2 (Prashant Kewat @ Prashant Kumar) has been arrested and such, he may be permitted to withdraw the petition against the petitioner no. 2, Prashant Kewat @ Prashant Kumar.

2. The anticipatory bail application stands dismissed as withdrawn so far as petitioner No. 2 (Prashant Kewat @ Prashant Kumar) is concerned.

3. Heard the parties.

4. The petitioners are apprehending their arrest in connection with Lakhisarai P.S. Case No. 367 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 08.06.2024 by the informant, Devashish Singh.



5. As per the prosecution story, the informant alleged that during night patrolling duty, upon secret information, they saw three persons talking to each other and tried to escape from the sight of the police. The local gave the name which included this petitioners. On search, a gas cylinder, polythenes as also 16 litre country made liquor recovered, this followed the F.I.R.

6. Learned counsel for the petitioner submits that admittedly nothing has been recovered from their conscious possession but due to enmity with the *Chowkidar*, implicated.

7. Learned APP opposes the prayer submitting that the *Chowkidar* has named the petitioners.

8. Taking into account the aforesaid submissions as also the fact that petitioner No. 1 (Rajesh Kumar) has got no criminal antecedent. His name has come in the disclosure of *Chowkidar*, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioner No. 1 (Rajesh Kumar) 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 Additional District and Sessions Judge IV-cum-Special Excise Court I, Lakhisarai, in connection with Lakhisarai P.S. Case No. 367 of 2024 subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(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)

Nirajkrs/-

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