

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61363 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- MAHUA District- Vaishali

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Ankesh Kumar Son of Dinesh Rai Resident of Village - Parsaunia, P.O. -
Mirza Nagar, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 188 of the
Indian Penal Code, Sections 30(a) and 37 of the Bihar
Prohibition and Excise (Amendment) Act, 2018, Sections 3 and
7 of the Loudspeaker Act, Section 66 of the I.T. Act and
Sections 25(ix) and 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 21 years.

4. Allegation is of recovery of 9 litres of liquor from
the house of Bashishtha Ray.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and he came to be implicated based on the confessional statement of Bashishtha Ray and Raushan Kumar in police custody which does not have any evidentiary value in the eye of law. It is further submitted that the police raided the house of Bashishtha Ray when an information was given that some young boys were seen dancing in a programme of DJ carrying gun. It is next submitted that petitioner was identified by the apprehended accused as the boy who was carrying gun on social media. It is also submitted that the gun which the petitioner was carrying was a toy gun and not an original gun. It is further submitted that petitioner is not a criminal but a person with clean antecedent and is a student.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted that petitioner is a student but then no documentary evidence to support the same has been annexed on which learned counsel appearing on behalf of the petitioner submits that petitioner at the time of surrender shall submit his 10th and 12th passing certificate.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahua P.S. Case No. 244 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father Dinesh Rai.

9. If the petitioner on the date of surrender does not submit his 10th and 12th passing certificate in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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