

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65141 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- MUSAHARI District- Muzaffarpur

Anand Sahni S/O Raghunandan Sahni Resident of Village- Mushahari @
Radhanagar, P.S- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Musahari P.S. Case No. 328 of 2023 for the offence under Sections 272, 273/34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Amendment Act lodged on 09.11.2023 by the informant, Tej Prakash Singh.

3. As per the prosecution story, the informant has alleged that upon secret information, the thatched house was raided and there is recovery of 140.625 litre foreign liquor which was tied with the motorcycles. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner is neither the owner of the thatched house which



belongs to Jitendra Kumar nor any of the two motorcycles. Further, in every case he is named as a person who manage to escape, for which he has filed Criminal Writ No. 448 of 2024 besides sending an application to the chairman of the Human Rights Commission, New Delhi. Further, the submission is that without accepting the allegation and/or the outcome of the fact that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Muzaffarpur (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail and submits that the petitioner has criminal antecedent.

6. Though the antecedent is there, petitioner in paragraph no. 10 has narrated that he has filed Criminal Writ petition showing his innocence, as also his implication by the police, admittedly, neither the thatched house nor motorcycle belongs to him, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Muzaffarpur (exclusively for the purchase of Journals) and the receipt showing purchase of journals has to be submitted with the Trial Court.

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 Exclusive Special Excise Court-III, Muzaffarpur, in connection with Musahari P.S. Case No. 328 of 2023 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 month for next one year 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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