

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69789 of 2024

Arising Out of PS. Case No.-75 Year-2022 Thana- KANTI District- Muzaffarpur

Sachindra Kumar @ Sahindra Kumar Son of Santu Ram R/O Village- Arara
urf Harpur Hari, P.S- Kanti, Dist.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Kr. Mishra, Adv. Mr.Shambhoo Kumar Suman, Adv. Mr.Mukesh Kr., Adv.
For the State	:	Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kanti P.S. Case No. 75 of 2022 registered for the offences punishable under Sections 393, 120(B) of the Indian Penal Code, Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Section 37(c) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police intercepted Brezza car in question in which co-accused Sonu Kumar, Ajit Kumar Thakur and Akash Kumar were found sitting and they were apprehended on the spot. On search, one pistol and two live cartridges were recovered from possession of co-accused



Sonu Kumar. The aforesaid apprehended co-accused persons disclosed the name of petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Except confessional statement of aforesaid apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Learned counsel orally submits that car in question does not belong to the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner



above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Excise-II, Muzaffarpur in connection with Kanti P.S. Case No. 75 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Furthermore, petitioner shall submit an undertaking that he is not owner of the car in question, otherwise his bail bond shall not be accepted by the trial court.

8. The application stands disposed of.

(Alok Kumar Pandey, J)

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