

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84400 of 2024

Arising Out of PS. Case No.-128 Year-2020 Thana- OBRA District- Aurangabad

1. Mahendra Yadav Son of Suryadyal Yadav Resident of Village - Mahdewa, Tejpura, P.S. - Obra, District - Aurangabad, Bihar
2. Rajendra Yadav Son of Suryadyal Yadav Resident of Village - Mahdewa, Tejpura, P.S. - Obra, District - Aurangabad, Bihar
3. Phulendra Yadav Son of Suryadyal Yadav Resident of Village - Mahdewa, Tejpura, P.S. - Obra, District - Aurangabad, Bihar
4. Birodhi Paswan Son of Rajeshwar Paswan Resident of Village - Mahdewa, Tejpura, P.S. - Obra, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 353, 332, 427, 307 of the Indian Penal Code and Sections 30(a), 30 (c), 45 of Bihar Prohibition and Excise (Amended) Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case, petitioner no.2 has antecedent of three cases, petitioner no.3 has antecedent of two



cases and petitioner no.4 is a person with clean antecedent and allegation is of recovery of 20 kilograms of Mahua Jaggery solution from the house of Alok Kumar along with 10 kilograms of Mahua Jaggery from the house of Govardhan Yadav. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from the house of Alok Kumar and Govardhan Yadav with whom petitioners have no concern or relation and they came to be implicated at the instance of local people but the name of person who disclosed the name of the petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.15000/- (Rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Obra P.S. Case



No.128/2020, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than one case, petitioner no.2 has antecedent of more than three cases, petitioner no.3 has antecedent of more than two cases and petitioner no.4 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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