

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85170 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Birendra Sahni @ Virendra Kumar Sahni S/O Baidhnath Sahni @
Baidhyanath Sahni R/O village - Rudhha Sanathi , Police Station -
Bochaha ,District - Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Musrigharari P.S. Case No. 38 of 2024, registered for the
offences punishable under Sections 420, 419 of the Indian Penal
Code, Section 30(a), 33, 36, and 41 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 600 liters
spirit was recovered from a car and from the house of one co-
accused Umesh Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of spirit. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused Krishna Kumar Sahni and the same has got no evidentiary value. The petitioner has got three criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 20.07.2024 passed in Cr. Misc. No. 51041 of 2024 and order dated 02.08.2024 passed in Cr. Misc. No. 51044 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Musrigharari P.S.



Case No. 38 of 2024, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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