

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87386 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- RAHIKA District- Madhubani

Shailendra Kumar Jha Son of Vidya Shankar Jha Resident of Village - Parsauni, P.S. - Bisfay (Patauna O.P.), District - Madhubani, at present Bhawani Nagar Colony, Stadium Road, P.S. - Madhubani, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Rahika P.S. Case No. 78 of 2024, G.R. No. 548 of 2024, registered under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 100 liters spirit was recovered from tempo.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. 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, namely, Kamlesh Yadav and the same has got no evidentiary value. It is next submitted that the petitioner is neither owner nor driver of the said tempo in question. The petitioner has got no concern with the alleged recovery of spirit. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 50993 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 Rahika P.S. Case No. 78 of 2024, G.R. No. 548 of 2024, subject to the conditions as



laid down under Section 482(2) of the Code of Criminal
Procedure.

(Rudra Prakash Mishra, J)

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