

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22409 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- JAYNAGAR District- Madhubani

Hari Shankar Mukhiya Son of Asheshwar Mukhiya Resident of village -
Pithwa Tola, Inarwa, P.S.- Deodha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-04-2025 Heard Mrs. Kumari Pallavi, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 39 of 2024 for the offence under sections 272, 273, 414 and 34 of the I.P.C. lodged on 30.01.2024 by the informant, Antu Ram.

3. As per the prosecution story, the informant alleged that while on evening patrolling duty and checking of the vehicle, a motorcycle was intercepted, the accused managed to escape but there is recovery/seizure of 450 liters of Nepali Wine which led to the FIR.

4. Learned counsel for the petitioner submits that only because the two motorcycles that were intercepted, one of them belongs to him, though with the support of the document, it was



submitted that it was actually sold on 28.06.2022 to one Vijay Kumar Mahto who failed to get it transferred leading to his implication. The petitioner has no criminal history and further, the submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Madhubani for beautification/putting up flower pots in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that one of the motorcycles belongs to the petitioner.

6. Taking into account the submissions of the parties as also that the petitioner do not have criminal antecedent and an affidavit is there to show that the motorcycle was transferred, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Madhubani for beautification/putting up flower pots in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Madhubani.



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) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani, in connection with Jaynagar P.S. Case No. 39 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 fortnight for next six months 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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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