

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24503 of 2025

Arising Out of PS. Case No.-462 Year-2024 Thana- RANIYATALAB District- Patna

Raju Kumar @ Raju Yadav S/o Balmiki Yadav R/o Jltan Chhapra, P.S.- Rani Talab, Distdriect- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suryajit Prakash

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-05-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act read with Section 25(1-B)(a), 26 and 35 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation is of recovery of 14.1 liters of liquor from *Dalan* of petitioner along with a rifle from a field adjacent to his *Dalan*.
4. The learned counsel for the petitioner submits that a supplementary affidavit has been filed wherein it has been specifically pleaded that the antecedent of the petitioner which has been recorded at Para-3 of the anticipatory bail application relates to cases instituted by his native and *Pattidars*. It is further submitted that the *Dalan* is a place outside the house and no prudent person



would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that it may be a ploy of his relatives who earlier instituted cases against the petitioner. It is further submitted that no doubt a rifle is alleged to have been recovered, but then the same was recovered from a place adjacent to his *Dalan*. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence. It is further submitted that since petitioner has been falsely implicated in the aforesaid three cases, as such, he was granted the privilege of anticipatory bail by this Court.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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 **Provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) 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 Rani Talab P.S. Case No. 462 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his brother-in-law, Sushil Kumar.



8. It is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

10. It is made clear that the learned Trial Court after accepting the provisional anticipatory bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than three cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail shall not be confirmed, but in the event if it is found that petitioner has antecedent of three cases only in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

(Satyavrat Verma, J)

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