

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90066 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- NAUTAN District- West Champaran

Umashankar Mukhiya @ Uma, Son of Late Sunar Mukhiya @ Late Sundar Mukhiya Resident of Vilage- Shivrajpur, P.S.- Nautan, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2025 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 109, 121(1), 121(2) and 132 of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that on secret information, police team raided the vegetable field and found illegal liquor concealed under the straw. Accordingly, the liquor was seized when villagers arrived and attacked the police force with lathi, danda, on account of



which, the informant and his team got injured. Further alleges that the mob even tried to snatch the mobile and official pistol.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case with general and omnibus allegation. It is next submitted that it does not appear probable that Chaukidar would have identified so many accused persons. It is also submitted that petitioner stayed nearby from the place of occurrence, as such, on hearing ruckus, he also went to see what was happening and came to be implicated.

5. Learned A.P.P. Mr. Rabindra Kumar opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on **provisional anticipatory bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. Nitin Kaushik, the learned Exclusive Special Judge Excise-1, Bettiah, West Champaran in connection with Nautan P. S. Case No.308 of 2024, subject to the conditions laid down under Section



438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the 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 one case, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

