

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52529 of 2015

Arising Out of PS.Case No. -83 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

- 1.Thakur Jagat Pratap Singh @ Thakur Jagat Pratap Bind
- 2. Pankaj Kumar, son of Sri Shyam Lal Bind
- 3. Nepu Singh, son of Sri Dhukanti Shah
- 4. Amaresh Prasad, son of Rajvansh Bind
- 5. Mahendra Prasad , son of Ram Bachan Bind,

All residents of Village- Baheriya, P.S.-Chand, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. M.K. Nirala (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 27-11-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Chand P.S.Case No. 83 of 2015 registered for offences punishable under Sections 147, 149, 353, 504 and 341 of the Indian Penal Code.

The prosecution case based on the self statement recorded by one Subodh Kumar Singh on 12.09.2015 is that at around 16.00 hours on 12.09.2015 after receiving information that one Mahendra Bind, son of Ram Bachan Bind, who illegally sold country liquor from his kirana shop at village- Baheriya had just



now brought one cartoon of country liquor and kept it in his shop. After verification, he proceeded with police force and reached the Kirana shop of Mahendra Bind and on seeing the police force, some people escaped in the dark hiding something with them,. The informant tried to search the shop but the same was locked from inside. In the meantime, Thakur Jagat Pratap Singh reached the place along with other co-accused and 15-20 persons and had altercation with the police and prevented the police from carrying out their duty. The police left the place sensing that the matter may turn out of hand.

It has been submitted by the learned counsel for the petitioners that they are innocent having clean antecedents and it was because of the overt act committed by the police raiding party, that false case has been registered against them.

It has further been submitted that in fact, the police entered the house of the petitioner No. 1 forcefully and his wife has submitted a representation before the Superintendent of Police, Kaimur at Bhabhua on 15.09.2015 regarding the entire incident.

Furthermore, it has been submitted by the learned counsel for the petitioners that during course of investigation, no statement of any independent witnesses has been taken by the police and the statements recorded of witnesses, are of police party

only.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs, 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Chand P.S.Case No. 83 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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