

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18914 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -GORIAKOTHI District- SIWAN

1. Surendra Baitha son of Shri Sudama Baitha, Resident of Village- Bardaha, P.S.- Goreyak, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-05-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of Goreyakothi P.S. case No. 13 of 2016, disclosing offences under Sections 147,148,149,332,337,353,307,427,379,225,419,420,504,272,273 of the Indian Penal code and 47(a) of the Excise Act as well as section 3/4 of the Police Damage Property Act.

Learned counsel for the petitioner has submitted that no offence under Section 47(a) of the Bihar Excise Act has been alleged against this petitioner. From the First Information Report, it appears that the police had conducted raid in kiosk on an information of illicit sale of country liquor. The shopkeeper Sanoj Kumar Choudhary was arrested and at his instance, raids were conducted at difference places and when the Excise officials were in the process of preparing the seizure list, it is alleged that a group of persons, 60 in number,

attacked the Excise personnel.

Learned counsel appearing on behalf of the petitioner has submitted that nothing specific has been alleged against this petitioner and in similar circumstance, one co-accused Rajesh Baitha has been granted anticipatory bail by the Court below.

Considering the submissions and there is no specific allegation of any overt act against this petitioner, this application is allowed.

Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Goreyakothi P.S. Case No.13 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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