

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32135 of 2016

Arising Out of PS.Case No. -137 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

Sushil Kumar S/o Late Saryu Ram resident of village - Kirhindi, P.S.
Shivsagar, District - Rohtas at Sasaram

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh

For the Opposite Party : Mr. Sri Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 26-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Durgawati Police Station Case No. 137 of 2016, disclosing offences under Sections 341, 342, 166, 379, 384, 386, 389, 506, 34 of the Indian Penal Code and Section 65(b)(c) of the Bihar Excise (Amendment) Act, 2016.

Allegedly, the informant with his companions was on way to Kolkata, in his car, on 18.05.2016. When they crossed Dirkhili Toll Plaza at Kaimur, their vehicle was intercepted by few people, who were in police uniform. It is alleged that some of the police personnel took the informant away from the vehicle, while, others utilized the said time to implant bottle partly filled with wine. It is alleged that the police party, thereafter, demanded a

sum of Rs. 1,00,000/- else they would be implicated, in a case, alleging violation of provision of Bihar Excise Act. It is also alleged that the police personnel took an amount of Rs. 25,000/- from the informant and took out another amount of Rs. 50,000/- that was lying in the vehicle.

The petitioner was a member of raiding team. It appears that the petitioner has not been named in the First Information Report but his name has surfaced, on the basis of statement of one of one of the accused persons, recorded under section 164 of the Cr.P.C.

Considering the nature of the offence, alleged against the petitioner, I am not inclined to grant him anticipatory bail. Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner is directed to surrender before the court below within four weeks and seeks regular bail, if so advised, if he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

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