

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27474 of 2016

Arising out of PS.Case No. -155 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

1. Shambhu Baitha, Son of Banwari Baitha.
2. Sunaina @ Sunaina Devi, wife of Shambhu Baitha. Both residents of Village - Dhanauti , Police Station - Dhanauti O.P., District-Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party : Mr. Sri Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Siwan (Muff) P.S. Case No. 155 of 2016 for the offences instituted under Sections 147, 148, 149, 323, 324, 307, 353, 332, 333, 427, 379, 337, 504, 506 of the IPC, ¾ of Damage to Property Act read with Section 61 of the Bihar Excise Act(Amendment), 2016.

The prosecution story, in brief, is that on 01.05.2016, the informant got secret information that a person is going to from *Badali More* carried with illegal wine on Motorcycle. On that information, the informant alongwith other police persons gone



there but after waiting an hour no any person came then the informant returned back via *Dhanauti Tola*. Then he saw on the side of road one Ram Bilas Mahto was selling adulterated toddy near the Palm tree. The informant arrested him and waiting there for making seizure. But in the meantime, the villagers came there also and made free the arrested person from the custody of police personnel and also snatched and destroyed the seized toddy and other material and thereafter a large crowd attacked at the police station and assaulted the police personnels by pelting stones upon them and also committed mischief in respect of the government properties kept in the police station. As per the prosecution on account of the alleged occurrence, some police personnels got injuries upon their persons and on account of help of adjoining police stations the lives of police personnel's could be saved.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Altogether 60 persons have been named in the F.I.R. alongwith 300 unknown persons. There is no specific allegation against the petitioners. General and omnibus allegation has been made against the petitioners. Nothing incriminating article is said to have been recovered from possession of the petitioners.

On behalf of the State it has been submitted that the

petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Siwan (Muff) P.S. Case No. 155/2016 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 C.J.M., Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)