

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49964 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -SAHIYARA District- SITAMARHI

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Nitish Kumar @ Nitesh Kumar, son of Amrendra Singh, resident of village-
Mahadev, P.S. Sahiara, District-Sitamarhi Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate

For the Opposite Party : Mr. Bharat Lal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Sahiyra P.S. Case No. 120 of 2016, registered for the offences punishable under Sections 272 & 273/34 of the Indian Penal Code and Section 47(a) of Bihar Excise (Amendment) Act, 2016.

Allegedly, after seeing the police personnel three persons started fleeing away out of them one Bhuil Singh @ Tapindra Singh was apprehended and from the house of Roushan Kumar in the husk 35 pieces of Nepali country made and foreign liquor were recovered and Bhuil Singh disclosed the name of the petitioner and Roushan Kumar, both succeeded in fleeing away and both are indulged in selling the liquor and he is paying Rs. 20/- per bottle.

Submission is of false implication and that the



petitioner was not arrested at the spot, nothing has been recovered from his possession or from his house, only on the basis of the confessional statement of co-accused Bhuil Singh @ Tapindra Singh, the petitioner is being apprehended. The petitioner has got no concerned with co-accused Roushan Kumar and Bhuil Singh due to political rivalry at the time of election of *Mukhiya* the petitioner has been implicated by managing the local police. The petitioner has got no criminal antecedent and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sahiyra P.S. Case No. 120 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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