

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50945 of 2016

Arising Out of PS.Case No. -244 Year- 2016 Thana -BEUR District- PATNA

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1. Niraj Kumar Singh, S/o Gajendra Prasad Singh, R/o Village- Dasratha, P.S.- Beur, District- Patna.
 2. Anish Kumar, S/o Kumar Rajiv Ranjan, R/o Indrapuri, Sipara, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in jail since 17.09.2016 in a case registered for the offences punishable under Sections 341, 353, 504, 506/34 of the Indian Penal Code and 47 (A) and 53 (B) of Bihar Excise Act, 2016.

The prosecution case is that on 17.09.2016 while police officials Samrendra Kumar Singh along with Havaladar Pradeep Kumar was on patrolling duty at night and during checking of vehicle at I.O.C. road, Sipara, stopped one Tata Safari vehicle and asked the petitioners seated therein, who were in drunken condition, for documents of said vehicle and driving license of the driver but they did not produce documents of the said vehicle and driver Niraj Kumar Singh misbehaved with police officials and

threatened them.

It has also been submitted by the learned counsel for the petitioners that they are innocent and they have no criminal antecedents and have been falsely implicated in the aforesaid case. It is however submitted that the seizure list bears the P.S. number while place of occurrence is on the road near Ayuah Hospital which makes the prosecution story doubtful. It has further been submitted that nothing has been recovered from the conscious possession of the petitioners.

However, learned counsel for the State submits that the petitioners are named in the F.I.R, hence, opposes the prayer for bail.

Be that as it may considering the facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction learned Judicial Magistrate 1st class, Patna in connection with Beur P.S.Case No. 244 of 2016.

(Nilu Agrawal, J)

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