

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53808 of 2017

Arising Out of PS. Case No.-190 Year-2017 Thana- SHIVSAGAR District- Rohtas

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1. Baban Ram @ Manu Ram son of Late Lakhan Ram
 2. Bhaiya Ram son of Late Lakhan Ram
 3. Poonam Devi wife of Baban Ram

All residents of village- Janjara, P.S. Shiv Sagar, District-Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Deo, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 10-11-2017

After some argument, Sri Bikramdeo Singh, learned counsel, assisted by Sri Rajendra Kumar Deo, learned counsel for the petitioners, in presence of learned Addl. Public Prosecutor, seeks permission to withdraw the present petition so far as petitioner no.1, namely, Baban Ram @ Manu Ram is concerned.

The prayer is allowed.

The anticipatory bail petition, so far as petitioner no.1, namely, Baban Ram@ Manu Ram is concerned, stands dismissed with observation that if within six weeks from today, petitioner no.1, Baban Ram @ Manu Ram appears before the court below and prays for regular bail, the learned court below without being prejudiced with this order may examine the same and pass appropriate



order in accordance with law preferably on the same day.

It was submitted by learned by learned counsel for the petitioners that petitioner no.2, Bhaiya Ram is brother of petitioner no.1 and petitioner no.3, Poonam Devi is wife of petitioner no.1. It has been argued that since petitioner no.2 is brother of petitioner no.1 and petitioner no.3 is wife of petitioner no.1, they have been made accused in the present case i.e. Shiv Sagar P.S. Case No.190/2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act,2016, whereas the fact remains that recovery was made from the house of petitioner no.1.Besides this, learned counsel for the petitioners has referred to the statement made in paragraph-3 of the petition to show that the petitioners are having clean antecedent.

In view of facts and circumstances, particularly the clean antecedent of both the petitioners, let both the petitioners no.2 and 3, namely, (i) Bhaiya Ram and (ii) Poonam Devi, in the event of their arrest or surrender within six weeks from today, 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 learned Addl. Sessions Judge-II-cum-Special Court, Excise, Rohtas at Sasaram in connection



with Shiv Sagar P.S. Case No.190/2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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