

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41270 of 2017

Arising Out of PS.Case No. -191 Year- 2017 Thana -SONEPUR District- SARAN

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1. Sarwan Rai S/o Ram Bahadur Rai
2. Vipul Kumar S/o Suresh Rai
3. Prince Kumar S/o Sarwan Rai All residents of village - Chitrasenpur, P.S.
- Sonapur, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh
For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 13-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sonapur Police Station Case No. 191 of 2017, disclosing offences under Sections 341, 323, 379, 427, 193, 120(B) of the Indian Penal Code read with Sections 33 and 36 of the Bihar Prohibition (Amendment) Excise Act.

Learned counsel for the petitioner has submitted that the petitioners are innocent and have not committed any offence. As a matter of fact, the informant is said to have been indulged in dealing with illegal wine and on the date of occurrence while he was carrying wine on motorcycle he dashed petitioner no.2 resultantly he sustained injuries, which is evident from annexure-2, and the informant falsely lodged a case against the



petitioners. In this regard father of petitioner No.2 represented to the S.P. Saran and Dy. S.P. Sonapur which is evident from annexure-4 and also father of petitioner no.2 lodged a complaint being Complaint Case No. 1603 of 2017 against the informant, which is evident from annexure-5. Neither anything incriminating has been recovered from the possession of the petitioner nor he has been arrested on the spot, therefore, no case under Sections 33 and 36 of the Excise Act is made out against the petitioners. Hence, the petitioners also deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of their arrest or surrender before the Court below within six weeks, 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 6th Additional District Judge, Saran at Chapra, in connection with Sonapur Police Station Case No. 191 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J.)

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