

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55562 of 2017

Arising Out of PS.Case No. -100 Year- 2017 Thana -JANKINAGAR District- PURNIA

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Shailendra Kumar S/o Late Ganesh Prasad Mandal, R/o Village- Kathotiya,
P.S.- Bihariganj, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate.

For the Opposite Party : Mr. Ahtash Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 384, 166 of the IPC and 50
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the informant
Bhajendra Prasad Yadav, the informant, gave written application
on 28.02.2017 before the Dy. S.P., Banmankhi, stating therein that
on 20.02.2017 in the night at 9.00 P.M., he returned back to his
home. At that very time, the Chowkidar, Jay Prakash Paswan,
came to his house and informed that the petitioner wants to talk
with him. It is further alleged that petitioner came to his house
and both of them gone to Panchwati Chowk where the Chowkidar
was directed to bring the Jute Bags in which liquor was kept.
Thereafter, the petitioner brought him in Thana where the



informant gave Rs. 70,000/- to the petitioner then only the informant was released on P.R. Bond. An enquiry was conducted by the Dy. S.P., Banmankhi and also submitted its report on 02.03.2017 vide Memo No. 112/2017 with a recommendation to initiate departmental proceeding. It is further alleged that on 04.03.2017 by the order of the S.P., Purnea, vide Memo No. 897, the petitioner was suspended and as per the oral order of the S.P. he was directed to lodge the present F.I.R. Accordingly, F.I.R. has been lodged.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case at the instance of the informant, namely, Bhajendra Prasad Yadav due to dirty local politics. The allegations made by the informant is denied by the petitioner. The present case is outburst to Annexure-2.

On behalf of the State, it is submitted that on the complaint made by the informant, a case was instituted against the petitioner who is an A.S.I. posted at Janki Nagar Police Station. It was alleged by the informant that a demand of Rs. 1,00,000/- was made for releasing the informant from a case relating to the Bihar Prohibition and Excise Act, 2016. The said complaint was made to



the S.D.P.O. Banmankhi. On the basis of a complaint, the S.D.P.O. conducted an enquiry and submitted his report vide Memo No. 112/2017 dated 23.03.2017 where a number of independent witnesses including the local Chowkidars were examined and it was found that the allegations made by the informant was correct.

In pursuance to the said enquiry report, vide Memo No. 897/2017 dated 04.03.2017, a departmental enquiry was directed to be initiated and the petitioner was put under suspension. A further direction for instituting F.I.R. was also made.

The statements of the witnesses are also part of F.I.R. Such act on the part of the petitioner especially being a member of police force cannot be taken lightly. The police is for maintaining the law but the petitioner has acted contrary to the law and his duty.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Jankinagar P.S. Case No. 100 of 2017, pending in the court of learned 2nd A.D.J.-cum-Special Judge, Excise, Purnea.

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(Sudhir Singh, J)

