

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24894 of 2018

Arising Out of PS.Case No. -52 Year- 2018 Thana -SANHOLA District- BHAGALPUR

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1. Vikash Kumar, Son of Late Bishnudeo Singh, Resident of Village-Khajur Karma, Police Station- Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

02 01-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 30 (c) & 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Sections 341, 342, 323, 386, 504 & 504/34 of the Indian penal Code.

As per the prosecution case, seven named accused persons including the petitioner are said to have assaulted the informant and his companion and demanded extortion of Rs.5000/- in lieu to release the vehicle of the informant and had also put some articles in his vehicle from their vehicle after overtaking his vehicle and two liters of country made liquor and one country made pistol with five live cartridges kept in the



vehicle of the informant by the accused persons are said to have been recovered from the vehicle of the informant. Petitioner was apprehended in inebriated condition in his vehicle while other accused persons managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the occurrence or with the seized article. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He had not consumed liquor. As a matter of fact, the mother of the informant is a Mukhiya and taking the benefit of her position the informant is indulged in illegal excavation of sand and other illegal work with the help of local police. The petitioner being a constable of Harwara Police (Jharkhand) in the boarder area of Bihar and Jharkhand and opposed the excavating of sand from his side whereupon he was kidnapped by the informant from his side with the help of Sanhoula police and has been falsely implicated in this case. He has no criminal antecedent and has been languishing in custody since 18.03.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Bhagalpur in connection with Sanhoula P.S. Case No. 52 of 2018.

(Prakash Chandra Jaiswal, J.)

Trivedi/-

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