

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43442 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- SHERGHATI District- Gaya

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1. Chhotu Kumar @ Mohit Kumar, Son of Kishore Prasad, resident of Village/Mohalla- Railway Line Bara Baba, Pehsi, Gaya, Police Station- Kotwali, District- Gaya.
 2. Shyam Kumar @ Pintu Kumar @ Shyamjee Son of Krishna Prasad, Resident of Village/Mohalla- Murli Pahadi Bairagi, Police Station- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 414/34 of the I.P.C. and Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3200 kg mahua flower is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the disclosure of co-accused Manoj Kumar. Except for this, there is



no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 3200 kg mahua flower is recovered from the truck. The truck in question does not belong to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya in connection with Sherghati (Dobhi) P.S. case No.245 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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