

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52997 of 2018

Arising Out of PS.Case No. -105 Year- 2018 Thana -AIRPORT District- PATNA

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Prakash Kumar, S/o. Yugeshwar Prasad @ Ugeshwar Prasad, R/o. Polo Road, Back of Quarter No. 11, P.S.- Hawaiadda, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr./Mrs. Indu Bhushan

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 28-08-2018 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 Sections 341, 323, 324, 307, 353 and 34 of the Indian Penal Code and Sections 30(A) and 37(C) of the Bihar Prohibition and Excise Act, 2016.

On the intercepting by the informant from hurling abuse at the instance of one accused, another assaulted him by means of knife inflicting bleeding injury on his finger, hand and chest. The person giving order was apprehended in inebriated condition while assailant managed to escape. The apprehended accused (petitioner) disclosed his name as Prakash Kumar and of fleeing accomplice as Monu Kumar and from possession of the accused 600 ML foreign liquor was recovered.



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 either with the seized liquor or with the aforesaid occurrence. He happens to be teetotaler and never consumed liquor. He had not assaulted the informant and not any knife was recovered from his possession. The person assaulting him managed to escape. Moreover, the injury sustained by the informant is abrasion and simple in nature. Petitioner has been falsely implicated in this case by the informant due to some altercation taken place between them over some trivial matter. He has no criminal antecedent. He has been languishing in custody since 23.05.2018.

Considering the facts aforesaid, 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, Patna in connection with Special Case No. 4852 of 2018 arising out of Hawaiadda P.S. Case No. 105 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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