

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20536 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- GAYA KOTWALI District- Gaya

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1. Ritik Kumar, S/o Ajay Kumar @ Manger,
 2. Anshu Kumar S/o Ajay Kumar @ Manger, Both R/o Mohalla-
Ramdhanpur, P.S.- Gaya Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 504 and 379/34 of the Indian Penal Code and Section 37(B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons were found in drunken state. Further allegation is that they have stolen Rs. 5000/- from the pocket of the informant and also snatched one chain.

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. As far as the offences under the penal code is concerned, the same is triable by the Magistrate. There is no breath analyser report in respect of the petitioner that he was in drunken state. Hence no offence under the Bihar Prohibition and Excise Act, 2016 is attracted against the petitioner. The petitioner has falsely been implicated at the instance of the informant due to local politics.

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

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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Gaya Kotwali P.S. Case No. 61/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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