

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16426 of 2018

Arising Out of PS. Case No.-37 Year-2017 Thana- MUNGER MUFFASIL District- Munger

Nitesh Kumar @ Laden @ Nitish Kumar, son of Bishundeo Yadav, resident of
Village- Husanganj, Police Station Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. AHMAD ALI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 376/11 A of the I.P.C. Sections 3, 4, 5 and 7 of I.T.P. Act Sections 25(1-B), 26(1)/35 of the Arms Act and Sections 30(a), 37(a) (b) (c) (d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 6 liters wine along with one loaded country made rifle is recovered. The further prosecution is that the accused persons were involved in immoral trafficking.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the



basis of disclosure made by the co-accused namely Bishundev Yadav. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 6 liters wine is recovered from the house of the Bishundev Yadav. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, 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 S.D.J.M., Munger in connection with Muffasil P.S. Case No. 37/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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