

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18993 of 2018

Arising Out of PS. Case No.-421 Year-2017 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Rocky @ Rocky Kumar @ Rocky Yadav, Son of Anil Kumar Yadav, Resident
of Village- Krishna Toli, P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 143, 144, 158, 290, 414, 272, 273 of the Indian Penal Code, Sections 25(1-b)A, 25(1-A), 25(1-AA), 25(1-AAA), 26, 26(ii), 35, 27 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that after seeing the police, the accused persons started fleeing away. The accused persons were in drunken state and 16.20 liters wine along with country made pistols and live cartridges are recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R.. His name has



come up in course of investigation as his motorcycle was parked nearby from where the alleged recovery has been made. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 16.20 liters wine along with country made pistols and live cartridges are recovered from the possession of accused persons. 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 not named in the F.I.R.

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 Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 421 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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