

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10386 of 2018

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

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Raushan Kumar @ Banti, S/o Keshav Kumar Mehta, R/o Krishn Toli, P.S.-
Brahampura, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Advocate.

For the Opposite Party : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The prosecution story, in brief, is that the informant
received secret information about consuming liquor by unsocial
elements in the birthday party of the daughter of co-accused
Surendra Rai. The informant reached there. On seeing the police
party, some persons started to flee away but 21 persons were



apprehended. 16.200 liters wine and some vehicles were also recovered from the place of occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in course of investigation on the disclosure made by local residents that the petitioner was also attending the birthday party of daughter of one co-accused Surendra Rai. The name of the local residents who have named the petitioner has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned Special Judge, Excise-cum-3rd Additional Sessions Judge, Muzaffarpur, in connection with Muzaffarpur P.S. Case No. 421 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

