

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6245 of 2018

Arising Out of PS. Case No.-222 Year-2017 Thana- BHOORE District- Gopalganj

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1. SAMSUDDIN MIAN @ SAMSUDDIN ANSARI @ SAMSUDDIN, Son of Haidar Mian, resident of village Hariharpur, P.S. Bhorey, District- Gopalganj.
 2. Md. Yunus @ Md. Yunus Mian, Son of Rahman Mian, resident of Village Pandey Parsa, P.S. Phulwaria, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 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 272, 273, 414, 420 and 34 of the Indian Penal Code and Section 11(d)(e) of the Animal Cruelty Act and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except



for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2 liters wine is recovered from the pick up van in question. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 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 2nd Additional Sessions Judge-cum- Special Judge, Gopalganj in connection with Bhorey P.S. Case No. 222/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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