

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.809 of 2018**

Arising Out of PS.Case No. -118 Year- 2017 Thana -BISHWAMBHARPUR District-  
GOPALGANJ

- =====
1. Harendra Yadav.
  2. Munna Yadav Both Sons of Sri Vijay Yadav Resident of village- Khe Matihania, P.S.- Vishambharpur, District- Gopalganj.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ashish Giri, Advocate.

For the Opposite Party : Mr. Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-01-2018      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 272, 273, 420, 308/34 of the IPC and 30(e) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 50 empty bottles, wrappers and caps are said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that 50 empty bottles, wrappers and caps were found at the *Samudayik Bhawan*. The name of the petitioners has come on the basis of



disclosure made by the Local residents as per the F.I.R. The name of the Local residents who have named the petitioners 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. 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.

Considering the aforesaid facts and circumstances, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned IInd Additional District & Sessions Judge, Gopalganj, in connection with Vishambharpur P.S. Case No. 118 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)**