

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52092 of 2018

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

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Pappu Kumar @ Pappu Sah S/o Chhote Lal Sah, R/o M. Das Gali, Mohalla-
Brahampura, P.S.- Brahampura, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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 and 273 of the Indian Penal Code and Sections-25(1-b)A, 25-1A, 25-1AAA, 26, 26(ii), 35 and 27 of the Arms Act as well as Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that liquor was being served in a birthday party.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner is not named in the FIR. There was a birthday celebration going on and in one of the photographs, the petitioner is also said to be there in the birthday party, where the liquor was being served. Hence he has been made accused in the present case. Except for the photograph of the birthday party, in question, there is no other substantial evidence to suggest the implication of the petitioner in the present case. There is no recovery of liquor from his possession. The other similarly situated co-accused namely, Raushan Kumar @ Banti @ Raushan Kumar Banti, Rocky @ Rocky Kumar @ Rocky Yadav and Ravi Prakash have been granted anticipatory bail by this court vide orders dated 04-04-2018, 13-04-2018 and 25-04-2018 passed in Cr. Misc. Nos. 10386 of 2018, 18993 of 2018 and 22906 of 2018.

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 Act, Muzaffarpur in connection with Sadar (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.

(Sudhir Singh, J)

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