

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66077 of 2018

Arising Out of PS. Case No.-36 Year-2018 Thana- BARSOI District- Katihar

Mithun Noniya son of Gulab Nonia, resident of Naya Tola Baltar, P.S. Barsoi,
District Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 307, 353, 333/34 of the I.P.C. as well as Sections 25(1-B)A/26/27/35 of the Arms Act and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on the alleged date of occurrence when the informant was on patrolling duty along with armed forces at railway gate of Kachna Railway Station, a motorcycle was coming from Bilashpur side, whom he gave signal to stop for checking, but the motorcycle riders by giving more speed fled away. Then the informant ordered the Armed forces to follow the motorcycle. In the meantime another motorcycle riding by two persons appeared there. The informant



also tried to stop them for checking, but said motorcycle rider dashed him, on account of which he fell down on the ground and received pain in his waist. The motorcyclist became unbalanced and they also fell down but the motorcyclist fired upon the informant. The informant further stated that 3rd motorcycle appeared there and the persons riding over it started indiscriminate firing, on which the informant finding his life in danger left the place and for protection he also fired from his pistol and after hearing sound of firing the armed forces returned back and three miscreants fled away from the motorcycle and one miscreant fell down and injured and he disclosed his name as Munna Nonia. He also disclosed the name of one of fleeing miscreant as the petitioner. The informant inspected the place of occurrence and recovered one loaded country made pistol and empty cartridges and also recovered 85.200 liters wine.

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. In course of occurrence, one of the co-accused, namely, Munna Nonia has sustained fire arm injury. Said co-accused disclosed the name of this petitioner. Said co-accused Munna Nonia later



on succumbed to the injuries. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 85.200 liters wine is recovered from the side of the railway crossing. 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 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 II Additional Sessions Judge-cum-Special Judge, Excise Prohibition, Katihar in connection with Barsoi (Kachna O.P.) P.S. case No.36 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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