

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66577 of 2018**

Arising Out of PS.Case No. -390 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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1. RAJ KISHORE ROY @ MALHU @ RAJ KISHORE YARA Son of  
Sonelal Roy Resident of Village- Chakmir, P.S. Baligaon, District- Vaishali  
at Hajipur..

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Smt. Madhuri Lata

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

3      19-11-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 324, 326, 332, 333, 353, 307 & 302/34 of the Indian Penal Code and 27 of the Arms Act as well as Sections 30(a), 38(i), 45 & 47 of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution is that on the secret information of carrying wine, the informant with other police personnel reached at the place of occurrence and asked to stop the vehicle. Thereafter, the vehicle was stopped and when the police asked to open the glass down, the criminals started the vehicle. Firing was also made as a result of which, a Hawildar sustained



injury and in course of treatment, he died. In this case, 281 liters wine is also alleged to have been recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused Vimal Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 281 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. 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. The other similarly situated co-accused namely, Indrajeet Sahani has been granted anticipatory bail by this Court vide order dated 10-08-2018 passed in Cr. Misc. No. 49615 of 2018. So far Sections 307 & 302 of the Indian Penal Code are concerned, neither there is any substantive evidence to suggest the implication of the petitioner nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case.

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 6<sup>th</sup> Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 390 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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