

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4270 of 2018

Arising Out of PS.Case No. -63 Year- 2017 Thana -KALUAHI District- MADHUBANI

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1. PAWAN SINGH @ PAWAN KUMAR SINGH, S/o Rameshwar Singh @ Rama Singh,
 2. Umesh Singh S/o Laxmi Singh @ Lakshmeshwar Singh,
 3. Shyam Singh S/o Ramchandra Singh,
 4. Anwar Hussain S/o Abdul Sahkoor, All R/o Village- Kaluahi, P.S.- Kaluahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kaluahi P.S. Case No. 63 of 2017 registered for the offence punishable under Sections 341, 323, 342, 307, 354, 506 and 120(B)/34 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners herein is assaulting the informant and her son resulting in some injury which according to the injury report are simple in nature.

The learned counsel for the petitioners submits that the present case has been filed on account of vengeance and for taking revenge to the case filed by the petitioner no. 4 against the son of the informant of the present case, hence out rightly the present case is malicious in nature and has been filed with an oblique



motive. It is further submitted that there is a general and omnibus allegation and the injuries whatsoever which have been found on the person of the injured persons of the informant side are said to be simple in nature which is clear from Annexure-3 to the petition. The petitioner is having a clean antecedent. It is further submitted that as far as the provisions of Excise Act are concerned, the allegations whatsoever are against one Brajesh Jha who is the co-accused in the present case, but are not on the petitioner herein.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Kaluahi P.S. Case No. 63 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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