

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69749 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- HATHAURI District- Samastipur

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1. Tuktuk Kumar Rai @ Tuktuk Rai @ Avinash Kumar Rai
 2. Golu Kumar Rai @ Abhinandan Kumar Rai Both sons of Sanjay Kumar Rai @ Sanjeev Kumar Roy, Resident of Village- Dasaut, P.S. Hathauri, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-11-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 324, 341, 506/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 180 ml wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The informant is a private party. The present case has been instituted against the petitioners and others due to



previous enmity. As per the allegation, 180 ml wine is alleged to have been recovered from the motorcycle. The motorcycle in question does not belong to the petitioners. So far the offence under Sections 323, 324, 341 and 506/34 of the I.P.C. are concerned, same are superficial in nature. 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/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 A.D.J. With-cum-Spl. Judge, Excise, Samastipur in connection with Hathauri P.S. case No.6 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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