

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38573 of 2018

Arising Out of PS.Case No. -16 Year- 2018 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prabhakar Singh, S/o Nawal Singh @ Nawal Kishore Singh, R/o Vill.-
Mani Bahuara, P.S.- Kalyanpur, District- East Champaran.
 2. Ajay Kumar @ Ajay Ray S/o Mahendra Rai, R/o Vill. Dhruv Pakari,
P.S.- Kalyanpur, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : M/S. Umesh Chandra Verma, Sharad
Kumar Verma, Rashmi Jha and Abhishek
Kumar, Advocates.

For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 149, 341, 323,
307, 353, 504, 506 of the IPC and 45 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that on 12.02.2018,
the informant caught one co-accused Manoj Kumar Rai who was
in drunken state and 1.470 liters wine is recovered. In the
meantime, F.I.R. named accused alongwith 20-25 unknown came
with weapons and got released co-accused Manoj Kumar Rai from



the custody of police alongwith seized liquor.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. It is alleged that total 1.470 liters wine is recovered from co-accused Manoj Kumar Rai. The name of the petitioners has come in the present case as they were allegedly protesting the arrest of co-accused Manoj Kumar Rai. The said Manoj Kumar Rai was in a drunken state and was being apprehended by the police. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. There is no recovery of any intoxicant from possession of the petitioners. There is no specific allegation made against the petitioners. No specific injury has been caused by the petitioners. Other co-accused persons have been granted anticipatory bail by this Court vide Cr. Misc. No. 22739 of 2018 dated 25.04.2018.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Kalyanpur P.S. Case No. 16 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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