

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19208 of 2018

Arising Out of PS.Case No. -951 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Sonu Kumar, S/o Vishwanath Mahto,
 2. Gangu Mahto @ Ganga Mahto, S/o Late Jiyalal Mahto,
 3. Mukesh Mahto @ Mukesh Kumar, S/o Shambhu Mahto,
 4. Ganesh Kumar @ Ganesh Raj, S/o Yogendra Mahto,
 5. Govind Mahto @ Govinda, S/o Yogendra Mahto, All are R/o Village-
Kedar Nath Road, Bharat Mata Asthan, P.S.- Muzaffarur Town,
District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Gajendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2018 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,
337, 353, 120(B), 272, 273, 427 of the IPC, 30(a), 38(2), 41, 47,
37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the informant
received information that some persons making noise in drunken
condition. Co-accused Raja Kumar and Mukesh Kumar, S/O
Ramchandra Mistri were arrested in drunken condition but at that



time, they were surrounded by 50-60 unknown persons and were tried to escape the arrested two persons. During course of rescuing two persons, the crowded people assaulted the police officer and damaged motorcycle by *Lathi and Brick* etc. The informant sustained injury on several parts of his body. Apprehended persons told that they used to sell toddy and illicit liquor on instruction of co-accused Shambhu Mahto, petitioner no. 2 Gangu Mahto and co-accused Vishwanath Mahto. Co-accused Raja Mahto also told that illicit foreign liquor was kept in the Asbestos house. On search of the house, total 360 ML wine and 35 liters mixed intoxicated substance was recovered.

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 falsely been implicated in the present case. It is alleged that total 360 ML wine and 35 liters mixed intoxicated substance is recovered from abandoned hut. The name of the petitioner no. 2 has come on the basis of alleged recovery made from his abandoned hut. As far as rest petitioners are concerned, their names have come on the disclosure made by co-accused Raja Mahto and Mukesh Kumar, S/O Ramchandra Mistri. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. 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/ 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 Special Judge, Excise, Muzaffarpur, in connection with Muzaffarpur Town P.S. Case No. 951 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

