

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43131 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- MAHESI District- East Champaran

Suresh Sahani, Son of Late Musahar Sahani, Resident of Village- Bakhari
Nazir, Police Station- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 143, 186, 224, 225, 307, 353/34 of the I.P.C. and Sections 37B, 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons including the petitioner surrounded the police vehicle and obstructed the police party in discharge of official duty and the petitioner found in intoxicated condition.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. There is no recovery of liquor from the conscious



possession of the petitioner. There is no specific overt act alleged against the petitioner. No injury has been caused to any person in course of occurrence. Hence, no offence under Section 307 of the I.P.C. is made out.

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 A.C.J.M. 6th, Motihari, East Champaran in connection with Mehsi P.S. case No.48 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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