

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66252 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- GORAUL District- Vaishali

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1. Sunil Kumar
 2. Arun Kumar Both are Sons of Hirday Rai R/o Vill- Mathna Milik, P.S. Goraul, O.P. Katahara, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 323, 324, 225, 353, 504 of the Indian Penal Code, 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 3 and 4 of Prevention to Damage to Public Property Act, 1984.

The prosecution case, in short, is that while the informant along with police party were on patrolling duty, the accused persons started fleeing after seeing them after leaving motorcycle in which 1.25 liters of wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners are alleged to have protested on the arrest of the other co-accused by the police party. There is no recovery of liquor from the possession of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1.25 liters wine is recovered from Ajay, Mithilesh and Randhir. 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/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 learned Additional Sessions Judge -2nd -cum- Special Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 51/18 arising out of G.R.



No. 899/18, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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