

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13117 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -DARAUNDHA District- SIWAN

=====

Raj Kumar Thakur, S/o Chandra Kishore Thakur, Resident of Village-
Rasulpur, P.S.- Daraundha, District- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Prabhakar Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 3(a)(d) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 02.01.2018
at about 9.00 A.M., the informant received a whatsapp message on
his mobile sent by the Superintendent of Police, Siwan, in which
photographs of 4-5 persons having wine in the glass has been
shown with a note written by some one against the present
government by the government officials and at the door of the
Mukhiya of Rasulpur Panchayat in the last night of 2017. In the
said Party, the Mukhiya, Panchayat Secretary and close relatives



enjoyed the wine with chicken. In the said message against the Bihar Government, comments were written. The informant made enquiry from the Choukidar then they identified the Mukhiya (petitioner), his Personal Assistant Pramod Kumar and Sunil Kumar in photographs. Hence, the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case as a whatsapp message is received by the police in which the petitioner was shown holding a glass containing liquor. Such photograph can easily be manufactured. It can not be ascertained whether the glass in the hand of the petitioner was containing liquor or apple juice nor the prosecution has been able to prove that the glass which was holding by the petitioner in the photograph was containing liquor. It is further submitted that it is purely abuse of process of the Court on the part of the prosecution.

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

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-2nd-cum-Special Judge, Siwan, in connection with Daraundha P.S. Case No. 06 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

