

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40088 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- GADHPURA District- Begusarai

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1. Deoraj Kumar @ Devraj Kumar son of Late Chandrabhushan Mahto, resident of Village- Samsa, Ward No. 12, P.S. Navkothi, District- Begusarai.
 2. Mithun Kumar, son of Bhikhari Rai, resident of Village- Sohagi Tola, P.S. Bakhri, O.P. Praihara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners are in custody since 29.05.2018 in connection with Gardhpura P.S. Case No. 58 of 2018, registered for the offence punishable under Sections 364 (A), 353, 323, 379, 224, 34 of the Indian Penal code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that from perusal of the First Information Report no case is made out Under Section 364 (A) of the I.P.C. Learned counsel for the petitioners further submits that petitioners were not arrested from the vehicle where from liquor was seized. Learned counsel



further submits that from perusal of the written complaint it appears that the police party recklessly levelled allegation while drawing FIR and registered case for offence which is not even whispered in the complaint. He submits that petitioners are in custody since 29.5.2018.

Considering the totality of the fact situation particularly the fact that the case under Section 364 (A) is not even remotely made out from the written complaint, the Court is inclined to grant bail to these petitioners, let the petitioners named above be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge II Cum- Special Judge, Begusarai in connection with Gardhpura P.S. Case No. 58 of 2018.

(Anil Kumar Upadhyay, J)

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