

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68604 of 2018

Arising Out of PS. Case No.-107 Year-2017 Thana- GHOGHARDIHA District- Madhubani

1. Kanhaiya Jha Son of Punya Nand Jha
2. Manish Jha Son of Suresh Jha @ Suresh Chandra Jha
3. Chhotu Mishra Sonof Jattu Mishra
4. Munni Jha Son of Durga Jha All Resident of Village- Ghoghardiha, P.S. Ghoghardiha, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-11-2018 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, 341, 323, 324, 353, 333, 307, 188 of the I.P.C. and Sections 30(a), 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on secret information that some persons are taking wine in the tempo near Ghoghardiha tower chowk, the informant along with police party reached there and as soon as the police began to confine the area, the accused persons having bomboo, fatha, piece of bricks in their hands began to blow on the police party, on



account of which constable Vijay Kumar injured. In the meantime co-accused Chandan Jha began to twist neck of constable Amandeep Paswan and then the accused persons fled away. Thereafter search was made and one piece of foreign wine was found in the tempo.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners along with other accused persons protested against the police party, who were involved in search and seizure of illegal liquor. Altogether seven persons are named along with 50 unknown persons. General and omnibus allegation has been made. There is no injury report in support of the allegations made in respect of offence under Section 307 of the I.P.C. There is no recovery of liquor from the possession of the petitioners. The petitioner had no knowledge regarding the alleged incident.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

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) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Ghoghardiha P.S. case No.107 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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