

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34219 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- NABINAGAR District- Aurangabad

-
1. Awadh Singh @ Awadhesh Singh, S/o Late Balkeshri Singh,
 2. Shashi Ranjan Singh, S/o Sanjay Singh,
 3. Sri Krishna Singh @ Krishna Singh, S/o Late Bhagwati Singh,
- All are resident of Village- Dhobdiha, P.S.- Nabinagar, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mrs. (Dr.) Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-06-2018 Heard Sri Bhaskar Shankar, learned counsel for the petitioners and Smt. (Dr.) Indihar Kumari, learned Addl. Public Prosecutor.

Three petitioners, apprehending their arrest in Nabinagar P.S. Case no.101 of 2018 registered for the offence under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Section 37(B), 37(c) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail, in the event of arrest or surrender.

At the very outset, learned counsel for the petitioners has drawn my attention to the statement made in paragraph-3 of the petition to show that all the three petitioners are having



clean antecedent. It has further been argued that in a petty dispute in between two *Gotiyas*, a completely false and fabricated case has been lodged. Learned counsel for the petitioners has drawn my attention to the fact disclosed in the F.I.R. to show that save and except Section 379 of the Indian Penal Code, all other provisions of the Indian Penal Code areailable. He submits that allegation of theft prima facie appears to be exaggerated. So far as allegation of offence under Bihar Prohibition and Excise Act is concerned, it has been argued that in view of facts and circumstances, there is no element to attract those provisions.

Considering the facts and circumstances, particularly the facts disclosed in the F.I.R., I am of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let the aforesaid three petitioners, namely, (i) Awadh Singh @ Awadhesh Singh (ii) Shashi Ranjan Singh, and (iii) Sri Krishna Singh @ Krishna Singh, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VII-cum- Special Judge, Aurangabad in connection with



Nabinagar P.S. Case No.101 of 2018, subject to conditions as
laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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

