

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5200 of 2019

Arising Out of PS. Case No.-155 Year-2018 Thana- MUSRIGHRARI District- Samastipur

Rajesh Rai, son of Shiya Sharan Rai Resident of Village - Bakhari Bujurg,
P.S. - Musrigharari, Distt.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh
For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Musrigharari P.S. Case No. 155 of 2018 dated 23.10.2018 instituted for the offences under Sections 272, 273, 323, 332, 341, 353, 393, 504 and 34 of the Indian Penal Code and under Section 37(A)(B)(C)(D) of the Bihar Prohibition and Excise Act, 2016.

From the FIR, it appears that the police party arrived at a place where three persons were causing commotion after consuming liquor. Three persons who were identified by the informant disclosed their names as Munna Kumar, Uday Paswan and the petitioner. However, the two persons viz. Munna Kumar and Uday



Paswan were arrested but Rajesh Rai (the petitioner) managed to run away.

Learned counsel for the petitioner has submitted that merely in order to implicate all the persons of the village who had protested against the illegal action of the police it was alleged that the petitioner also was smelling of liquor. It is difficult to accept the allegation, it has been urged, that two persons would be arrested and the petitioner who was accompanying the aforesaid two persons would manage to run away. Apart from this, learned counsel for the petitioner has submitted that he has clean antecedents and only because he entered into a verbal spat with the informant, he has been named in this case. The assessment of the informant that the petitioner had consumed liquor was only on the basis of guess work. No aid of breath analyzer was taken for the informant to come to that conclusion.

Considering the aforestated facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned 3rd Additional Sessions Judge-cum-Special Judge, Samastipur in connection with Musrigharari P.S. Case No. 155 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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