

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12991 of 2019

Arising Out of PS. Case No.-1473 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. JITENDRA BIND Son of Late Jai Hind Bind Resident of Mohalla - Dalelganj, P.S.- Sasaram Town, District - Rohtas
2. Dharmendra Bind Son of Late Jai Hind Bind Resident of Mohalla - Dalelganj, P.S.- Sasaram Town, District - Rohtas
3. Satendra Bind Son of Late Jai Hind Bind Resident of Mohalla - Dalelganj, P.S.- Sasaram Town, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sasaram Town P.S. Case No. 1473 of 2018 for the offence under Sections 341, 323, 308 and 504/34 of the Indian Penal Code and Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016.

From the First Information Report, it transpires that some scuffle had taken place between the two parties. It is alleged that mother of petitioner no.2 had consumed alcohol and she did not only abuse the informant but assaulted the informant's daughter-in-law too with fists and slaps.

Learned counsel appearing on behalf of the



petitioners is correct in his submission that the case of the prosecution to the extent it relates to consumption of alcohol by mother of petitioner no.2 suffers from absurdity and there is no legal evidence to support the said allegation of mother of petitioner No.2 having consumed alcohol.

Considering the facts and circumstances, since in my view no offence under Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016 is made out on the basis of what has been alleged in the First Information Report, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released 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 the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Rohtas at Sasaram, in Sasaram Town P.S. Case No. 1473 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their



part to appear before the Court on two consecutive occasions,
their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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