

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1126 of 2019**

**In
CRIMINAL MISCELLANEOUS No.4249 of 2019**

Arising Out of PS. Case No.-420 Year-2018 Thana- TURKAULIYA District- East
Champaran

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ARUN RAI Son of Late Shankar Rai Resident of Village- Kaparsandi, P.S.-
Turkauliya, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Smt. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 29-03-2019

The appellant seeks pre arrest bail in connection with Turkauliya P.S. Case No. 420 of 2018, registered for offences punishable under Sections 147, 148, 149, 341, 323, 332, 353, 307, 379, 435 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s) of SC/ST Act and Section 45 of the Bihar Prohibition and Excise Act.

Allegation as per F.I.R. is that on the basis of secret information, informant and police personnel reached at the house of the appellant and after seeing the police accused persons including appellant fled away from the house and on search 400 litres of spirit kept in two drums were recovered. Thereafter, 1200 litres of spirit was also recovered from the field of one Baliram Rai. Thereafter, appellant and accused persons committed marpit with the police personnel and abused them by calling their caste name.



It has been submitted on behalf of the appellant is that only general and omnibus allegation has been levelled against the appellant and co-accused Ajay Rai having similar allegation has already been granted the privilege of bail by a coordinate Bench of this Court vide judgment dated 08.10.2018 passed in Cr. Appeal (SJ) No. 3602 of 2018.

Learned counsel for the State opposed the prayer for pre arrest bail of the appellant and submitted that allegation against this appellant is serious.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the appellant rather he should surrender before the court below and pray for regular bail and if any such application is filed the court below will dispose of the same on the basis of materials available on record and also after considering the fact that the co-accused of this case, namely, Ajay Rai has been granted the privilege of bail by a coordinate Bench of this Court, if possible on same day.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

