

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23402 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- SIWAN CITY District- Siwan

1. UMASHANKAR CHAUDHARY, Son of Late Jasi Choudhary
2. Alok Raman, Son of Sri Umashankar Choudhary
3. Aman Kumar Son of Sri Umashankar Choudhary

All are Resident of Village - Makhdumsarai, P.S.- Sarai (OP), Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-04-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Siwan Town Police Station Case No. 29 of 2019, disclosing offences under Sections 448/341/323/504/506/354/34 of the Indian Penal Code and Section 37(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

There is allegation against the persons named in the First Information Report, who are family members, that they entered into the house of the informant, manhandled the informant and abused her. In respect of co-accused Akash



Kumar, it is stated that he was inebriated.

Learned Counsel appearing on behalf of the petitioners is correct in his submission that so far as these petitioners are concerned, no offence under the provisions of the Act is made out and, therefore, this application, as against them, can be maintained. It has also been stated that petitioner no. 1 is the brother of the husband of the informant and petitioner nos. 2 and 3 are sons of petitioner no. 1 and because of family dispute, the First Information Report has been lodged maliciously.

Considering the above submissions, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum-Special Judge, Excise, Siwan, in connection with Siwan Town Police Station Case No. 29 of 2019, subject to the condition 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.)

Prabhakar Anand/-

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