

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19861 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- KHUDWA District- Aurangabad

1. Rakesh Singh, S/o- Sri Lalan Singh, R/o- Vill Naharo Dehri, P.S.- Khudwa, District- Aurangabad.
2. Kundan Singh, S/o- Madeshwar Singh, R/o- Vill Naharo Dehri, P.S.- Khudwa, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 427, 506 and 504/34 of the IPC and Sections 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Bijay Singh, dated 30.01.2019, submitted to the Station House Officer, Khudwan Police Station, is to the effect that on the same day, at about 5 P.M., the petitioner along with co-accused Kundan Singh and Munna Singh came at the door of the informant and started abusing him and also threatened to kill



him. Subsequently, the informant informed the police, whereupon the police came and apprehended co-accused, Munna Kumar, whose Breath Analyzer Test was conducted and the report was found positive. It is further alleged that the petitioner and co-accused, Kundan Singh, who is alleged to have escaped from the scene, were also suspected to be in inebriated condition.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the place of occurrence. Moreover, the Breath Analyzer Test of the petitioner was not conducted. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that no Breath Analyzer Test of the petitioner was conducted, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Khudwa P.S. Case No. 07 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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