

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35240 of 2019**

Arising Out of PS. Case No.-192 Year-2018 Thana- KUTUMBA District- Aurangabad

1. PRASHANT KUMAR SINGH @ PRASHANT KUMAR Son of Shivendra Singh Resident of Village - Chaukhra, P.S.- Kutumba, Dist.- Aurangabad.
2. Rohit Kumar Son of Pramod Singh Resident of Village - Ibrahimpur, P.S.- Kutumba, Dist.- Aurangabad.
3. Bittu Kumar @ Barun Kumar Singh @ Bitu Kumar Son of Pramod Singh Resident of Village - Ibrahimpur, P.S.- Kutumba, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Madhura Nand Jha

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

3      17-08-2019                      Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with CIS No.1108 of 2018 arising out of Kutumba P.S.Case No.192 of 2018 , registered for offences punishable under Sections 353, 379, 147, of the Indian Penal Code and Section 4 and 40 of the Bihar Minor Mineral Concession Rule and Section 30 (A) of Bihar Prohibition and Excise Act.

Prosecution story as per the FIR is that while the police intercepted two Tractors and asked them to unload the sand as there is apprehension that the liquor was concealed in the sand, the accused persons including the petitioners came and



succeeded in getting the Tractors freed and also succeeded in fleeing away. Further it appears that the petitioner nos. 1 and 2 are accused in one another case and the petitioner no.3 is accused in five other cases including one case is of the similar nature.

Submission of the learned counsel for the petitioners is that they have falsely been implicated in this case and nothing has been recovered from their possession.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner nos. 1 and 2, named above, is concerned, let the petitioner nos.1 and 2 in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge VII cum Special Judge (Excise), Aurangabad in connection with CIS No.1108 of 2018 arising out of Kutumba P.S.Case No.192 of 2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no.3, named above, is concerned, I



am not inclined to grant privilege of bail to the petitioner no.3  
considering the antecedent of similar nature of the case.

With the above direction, this application is disposed  
of.

**(Vinod Kumar Sinha, J)**

chn/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

