

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36943 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- BANSHI District- Jehanabad

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1. AMRESH KUMAR Son of Ramakant Singh Resident of Village - Chamandi, P.S.- Kurtha, Distt - Arwal.
 2. Ram Janam Yadav @ Ram Janam Kumar Son of Ramashray Singh Resident of Village - Chamandi, P.S.- Kurtha, Distt - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the State : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Banshi P.S. Case No. 16 of 2019, disclosing offences under Sections 147, 149, 353, 427, 504 and 506 of the Indian Penal Code.

It is alleged in the FIR that the police party had conducted a raid after having received information of trade of illicit liquor. When the police party was returning back thereafter, the persons named in the FIR indulged in misbehaving with the police team. They are said to have assaulted the members of the raiding team and vandalized the government vehicle. Two cases are said to have been registered,



one for the offence punishable under Section 30(a) (c) of Bihar Prohibition and Excise Act, 2016 and other for the offence punishable under Sections 147, 149, 353, 427, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the allegation against them of assault on the police party is general and omnibus, based on the information given by the local *Dafadar*. He has further submitted that since in the present case provisions of the Bihar Prohibition and Excise Act, 2016 have not been attracted, this application for anticipatory bail cannot be said to be not maintainable.

Considering the above submissions, 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 bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of Sri Arun Kumar, learned Additional Chief Judicial Magistrate-I, Arwal in connection with Banshi P.S. Case No. 16 of 2019, subject to the condition 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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