

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45013 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- RIGA District- Sitamarhi

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RAM AYODHI RAUT @ AYODHI RAUT @ AMODHI RAUT Son of
Mahilal Raut Resident of Village - Sonar, P.S.- Riga, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 The petitioner apprehends his arrest in connection with Riga P.S.Case No. 89 of 2019 registered under Sections 224, 272, 273, 332, 353 and 341/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act,2016 (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR lodged by one Kamlesh Raut, Chaukidar of Riga P.S., is that when the informant went to mango orchard, in connection with maintaining law and order, along with the police party, he saw that near a hut one Ayodhi Raut was giving wine to two persons keeping it in bag. It has further been alleged that informant caught the petitioner with 06 litres illicit liquor and while he was being taken to Police Station by a tempo, another tempo came from the other side, in which 4-5 persons were sitting, and



they snatched away the bag containing illicit liquor and also got the petitioner free.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as Chaukidar, who is informant, is own brother of the petitioner and due to some family dispute, petitioner has falsely been dragged in this case. Learned counsel further submits that he has got no criminal antecedent. He submits that illicit liquor has allegedly been seized from the mango orchard which does not belong to the petitioner and neither he is owner of the orchard nor of the land in question. Learned counsel submits that upon perusal of the FIR as well as the seizure list, no *prima facie* case is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that mango orchard does not belong to the petitioner as stated in para-9 of the application and further informant is brother of the petitioner and submission is of false implication due to family dispute. Accordingly, on perusal of the FIR and taking into consideration the justification given by the petitioner no *prima facie* case is made out against the petitioner as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of



arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge, Excise, Sitamarhi in connection with Riga P.S.Case No. 89 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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