

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42074 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- SHERGHATI District- Gaya

1. SINTU KUMAR @ SINTU KUMAR VERMA S/o Kedar Prasad @ Kedar Mahto, R/o village- Keshapi, P.S.- Dobhi, District- Gaya
2. Jalandhar Sao @ Baudha @ Jalendra Sao, S/o Raghu Sao, R/o village- Gosaidih, P.S.- Hunterganj, District- Chatra (Jharkhand)
3. Subhash Kehsari @ Subhash Kumar @ Keshari, S/o Aditya Prasad Keshari R/o village- Keshapi, P.S.- Dobhi, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2, Advocate
For the Opposite Party/s	:	Mr.Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-09-2019 At the outset, learned counsel for the petitioners submits that this application as regards petitioner no. 2 has become infructuous inasmuch as he has been murdered and is no more.

Petitioner no. 1 and 3 are praying for anticipatory bail in connection with Sherghati (Dobhi) P.S. Case No. 146 of 2019 for offences punishable under Sections 414 and 34 of the Indian Penal Code and Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that they have been falsely implicated in this case by the Police Officer



who has lodged the F.I.R. Learned counsel for the petitioners submits that in fact petitioner no. 2 (since deceased) had lodged a complaint case against the Excise Officers of causing harassment to him and his family. The said complaint was sent by the learned Chief Judicial Magistrate to the concerned Police Station for registration of F.I.R. on 22.11.2018 itself. Because of the filing of the case against the Excise Officers they became inimical to the petitioners and the present case is only an outcome of that attempt made by the informant to implicate these petitioners in a false and fabricated case. Learned counsel submits that nothing has been recovered from the possession of the petitioners and in one identical case lodged against the petitioner nos. 1 and 2, a learned co-ordinate Bench of this Court had granted privilege of anticipatory bail vide order dated 11.07.2019 passed in Cr.Misc. No. 42384 of 2019. It is further submitted that the seizure in the present case is that of Mahua Flower.

Learned A.P.P. for the State submits that the petitioner no. 1 and 3 have got a criminal history. However, on perusal of the records, this Court finds that the petitioners have been able to prima-facie show that it may be a case of false implication in a police case because earlier a complaint was lodged by



petitioner no. 2 (since deceased) and that was sent for lodging F.I.R. against the Excise Officers. Otherwise since the recovery is that of Mahua Flower and the same has not been made from the conscious possession of the petitioners, let the petitioner no.1 Sintu Kumar @ Sintu Kumar Verma and petitioner no.3 Subhash Keshari @ Subhash Kumar @ Keshari in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No.146 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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