

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45037 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SAHJAHANPUR District- Patna

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1. Ram Jatan Bind S/o Late Parmeshwar Bind
 2. Bal Kishun Bind S/o Late Parmeshwar Bind
 3. Dharmveer Bind S/o Ram Jatan Bind
 4. Baldeo Bind S/o Bal Kishun Bind
 5. Ravi Shankar Bind S/o Dharmveer Bind
 6. Sughan Bind S/o Balkishun Bind
- All are residents of Village- Sigriyawan, P.S.- Shahjanhapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners apprehend their arrest in connection with Shahjahanpur P.S. Case No. 5 of 2019, registered under Sections 147, 148, 341, 323, 337, 338, 332, 333, 353 and 307 of the Indian Penal Code and Section 45 of Bihar Prohibition and the Excise Act, 2016.

The allegation against the petitioners, as per FIR, is that on the date of occurrence the police got an information that some persons were making noise after drinking wine in Bind



Toli. It has further been alleged that when police personnel reached at the place of occurrence, the accused persons started brick bating upon the police personnel. The police named 15 persons as accused in the First Information Report along with 100 unknown persons.

Learned counsel for the petitioners submits that petitioners have falsely been implicated with the oblique motive. He further submits that the police did not find trace of illicit liquor having been consumed by the petitioners and they have not been found by the police at the place of occurrence.

Learned counsel for the petitioners further submits that so far as the brick batting upon the police personnel is concerned, no specific allegation has been made against the petitioners inasmuch as apart from petitioners and other accused persons and about 100 unknown persons were also there. Learned counsel for the petitioners further submits that no injury has been caused to anybody due to alleged brick batting by the petitioners and other accused persons. Learned counsel for the petitioners placed reliance on order dated 10.07.2019 passed in Cr. Misc. No. 41995 of 2019, by which similarly situated persons have been granted anticipatory bail by this Court.

After having heard learned counsel for the parties and



taking into consideration the fact that no specific allegation has been made against the petitioners and there is no trace of illicit liquor having been consumed by the petitioners and having not been found by the police at the place of occurrence and similarly situated persons have been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna in connection with Shajahapur P.S. Case No. 5 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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