

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51322 of 2019

Arising Out of PS. Case No.-447 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

SIKANDAR KUMAR Son of Dharmdev Manjhi Resident of Village- Ram
Nagar, P.S.- Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chapra Mufassil Police Station Case No. 447 of 2018, disclosing offences under Sections 341/323/504/506/353/34 of the Indian Penal Code and Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police apprehended two persons, from whom 70 litres of illicit liquor has been recovered. It has further been alleged that subsequently the petitioner along with others assaulted the police party, causing injury to one of the constable..

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and has got no criminal antecedent. He further submits that his name has allegedly been disclosed by one of the arrested persons, Amarjeet Kumar, and no illicit liquor has been recovered from the possession of the petitioner. He further submits that there is no specific allegation of assault against the petitioner. He further submits that co-accused persons, Srawan Kumar, Sunil Kumar, Chhotu Kumar and Rakesh Kumar, have been granted anticipatory bail by this Court, by order, dated 16.01.2019, passed in Criminal Misc. No. 2198 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the allegation against the petitioner of assault on police party is not specific and his name has been disclosed by the arrested co-accused person, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sikandar Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Saran, in



connection with Chapra Mufassil Police Station Case No. 447 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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