

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50100 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- BARH District- Patna

NIRAJ KUMAR, Gender-Male, aged about 21 years, Son of Chandradeo Kumar, Resident of Village - Hardeyal Bigha, P.S.- Belchi, Distt - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Mrs.Babita Kumari and Mr. Malay Kumar Choudhary, Advocates.
For the Opposite Party	:	Mr.Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 30.03.2019 in a case for the offence registered under Sections 147, 148, 149, 307, 353, 120(B), 323 of the IPC, 25(1-b)a, 26, 27, 35 of the Arms Act and 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 29.03.2019 at 7.20 A.M. in the morning on secret information, the informant and others reached at the place of occurrence and saw that 8-10 persons were carrying bags. Seeing the police party, they started firing upon them. The informant also resorted firing and apprehended five persons from the Maize field. From



possession of the petitioner, one country made pistol alongwith two live cartridges and one empty cartridge was recovered and from possession of other co-accused, 84.625 liters wine including beer, arms etc. were recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that accused persons fired upon the informant which did not hit anyone. The informant apprehended five persons and from possession of the petitioner, one country made pistol alongwith two live cartridges and one empty cartridge is said to have been recovered. 84.625 liters wine including beer was also recovered from other co-accused persons. There is no recovery of liquor from possession of the petitioner. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna, in connection with Special Case No. 3438 of 2019, arising out of Barh P.S. Case No. 163 of 2019.

(Sudhir Singh, J)

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