

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52295 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Munna Singh @ Baital @ Baital Singh, Son of Sri Ramchandra Singh Resident of Village - Koyaladeva, P.S.- Phulwariya, District - Gopalganj, Bihar
2. Bhavesh Singh Son of Ramchandra Singh Resident of Village - Koyaladeva, P.S.- Phulwariya, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Phulwariya P.S. Case No.116 of 2019 for the offence punishable under Sections 353, 307, 225, 34 of the Indian Penal Code and Section 25 (1-b)a/35 of Arms Act as well as Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that police while on patrolling on 23.06.2019 received some information that wanted accused was coming towards village Koyaladeva and when the police reached near the village saw that one Scorpio was coming towards them. When police party tried to stop



Scorpio, they did not stop and three persons Ajay Singh, Pankaj Kumar and Munna Singh were sitting on the Scorpio vehicle and after opening the door, they started fleeing away and succeed in the same. The police searched the vehicle, i.e., Scorpio and recovered the bullet of 8 MM, one country-made pistol and one bottle office choice blue Indian made foreign liquor having quantity of 750 ML.

Learned counsel for the petitioners submits that petitioners are cousin and have falsely been implicated in this case by the police inasmuch as the petitioners used to place the vehicle before the police personally for the official use and there was some dispute pertaining to payment of the fare of the vehicle hired by the police and due to which they have falsely been implicated in this case.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the Scorpio vehicle belongs to the petitioner No.2, I am not inclined to grant anticipatory bail to petitioner No.2 and the same is hereby rejected.

Insofar as petitioner No.1 is concerned, he has got no criminal antecedent and the vehicle which illicit liquor and arms



have been recovered does not belong to petitioner No.1, accordingly, the petitioner No.1, namely, Munna Singh @ Baital 2 Baital Singh, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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