

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53118 of 2019**

Arising Out of PS. Case No.-373 Year-2018 Thana- CHANPATIA District- West Champaran

---

1. BADRI MANJHI Son of Late Jagdeo Manjhi Resident of Village- Pokhriya Rai Musahar Toli Ward No.08, Police Station- Chanpatia, District- West Champaran.
2. Munni Kumari D/o Khalifa Manjhi Resident of Village- Pokhriya Rai Musahar Toli Ward No.08, Police Station- Chanpatia, District- West Champaran
3. Ramesh Manjhi Son of Mahendra Manjhi Resident of Village- Pokhriya Rai Musahar Toli Ward No.08, Police Station- Chanpatia, District- West Champaran.
4. Hiro Manjhi S/o Bhutti Manjhi Resident of Village- Pokhriya Rai Musahar Toli Ward No.8, Police Station- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Pancha Nand Pandit

---

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      26-08-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chanpatia P.S. Case No. 373 of 2018, disclosing offences under Sections 147, 148, 149, 224, 332, 333, 337, 338, 341, 342, 323, 307 and 353 of the Indian Penal Code, including Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act').

Learned counsel for the petitioners has submitted that no offence under Section 30(a) of the Act can be said to be made



out against them, even if the allegation made in the FIR is treated to be correct. He has further submitted that the petitioners have been implicated with the allegation that they had caused obstruction in apprehending the persons engaged in trade of illicit liquor and are said to have vandalized the police jeep and attacked the police party. It has also been argued that similarly situated co-accused persons have been allowed anticipatory bail by orders dated 04.04.2019 and 14.03.2019, passed in Cr. Misc. No. 19813 of 2019 and Cr. Misc. No. 15178 of 2019, respectively.

Considering the general nature of allegation against these petitioners, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 373 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Let the District Magistrate, West Champaran consider whether a case for invocation of the provisions of Bihar Collective Fines (Imposition) Act, 1982 is made out or not.

Let a copy of this order be communicated to the District Magistrate, West Champaran, forthwith.

**(Chakradhari Sharan Singh, J)**

HR/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

