

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51776 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. Guddu Yadava @ Guddu Rai, Aged about 22 years, Male, Son of Sri Mahendra Rai, Resident of Village Masha Narottam, P.S. Bairgania, District Sitamarhi.
2. Amit Yadava @ Amit Kumar, Aged about 19 years, Male, Son of Sri Purshottam Kumar, Resident of Village Masha Narottam, P.S. Bairgania, District Sitamarhi.
3. Dipu Yadava @ Dipu Rai, Aged about 20 years, Male, Son of Late Mukti Rai, Resident of Village Masha Narottam, P.S. Bairgania, District Sitamarhi.
4. Lalan Rai, Aged about 25 years, Male, Son of Dharkan Rai, Resident of Village Masha Narottam, P.S. Bairgania, District Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sunil Prasad Singh, Advocate
For the State	:	Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2019 Heard both sides.

Petitioners apprehend their arrest in Bairgania P.S. Case No.92 of 2019, registered under Sections 147, 148, 149, 341, 323, 504 and 353 of the Indian Penal Code and under Sections 30(A) and 34 of the Bihar Prohibition and Excise Act.

The informant, a Constable of 20th Battalion, S.S.B. alleged that two persons were intercepted crossing the border and from their possession, liquor was recovered but the petitioners assaulted the Constable of S.S.B. and get the accused persons freed from the custody of the Constable.



Learned counsel for the petitioners submits that nothing was recovered from possession of the petitioners but it appears that the informant, Constable of S.S.B., who was posted at the international border between Indian and Nepal, intercepted two persons coming on a motorcycle and recovered liquor but the petitioners and others intervened and forced the Constables by assaulting them to get freed the apprehended accused from whose possession liquor was recovered.

Taking into consideration the facts aforesaid and nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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