

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64693 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Bhagirath Sahani, (Male), aged about 35 years, Son of Late Ramashish Sahni, Resident of Village - Pahetiya, P.S.- Hajipur Sadar, District- Vaishali.
2. Munna Sahani (Male), aged about 38 years, Son of Late Ramashish Sahni, Resident of Village - Pahetiya, P.S.- Hajipur Sadar, District- Vaishali.
3. Bidanand Sahani @ Vidyanand Sahani, (Male), aged about 30 years, Son of Lakhendra Sahani, Resident of Village - Pahetiya, P.S.- Hajipur Sadar, District- Vaishali.
4. Bhailal Sahani, Son of Biju Sahani, Resident of Village - Pahetiya, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manish Chandra Gandhi, Advocate.
For the Opposite Party : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 147, 148, 149, 353, 224, 225, 332, 333, 307, 504, 506, 337 of the IPC, 27 of the Arms Act and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 31.01.2019 at 11.30 A.M., the informant on secret information apprehended co-accused Amrit Sahni and recovered huge quantity of wine



from his cow shed and Bamboo orchard. He also disclosed that his younger brother Bhagirath Sahni, Munna Sahni and Tunnu Sahni and his relative Bidyanand Sahni alongwith other family members conduct the trade of illegal liquor. The recovered articles was being tallied but at the same time, large number of persons armed with brick, stone, Grasa and Danda arrived there and they attacked at the police party and started demanding for release of co-accused Amrit Sahni. When he was not released then the mob become rampageous and some persons among them started firing on police personnels and in that course, Amrit Sahni managed to escape therefrom. The police party also fired two shots in air to repel the mob and thereafter the crowd would be controlled upon arrival of additional police force. 64.635 liters wine was also recovered from there. The local Chaukidar had identified the accused in the mob and beside that there were 100 more persons in the mob which made attack on the police party.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 08.08.2019. Charge sheet/prosecution report has been submitted in the present case. The petitioners have got no criminal antecedent. They have falsely been implicated in the present



case. There is no allegation of tampering with the witnesses alleged against the petitioners. None is said to have been injured in course of occurrence. 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 petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 49 of 2019.

(Sudhir Singh, J)

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