

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72719 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- KOTHIGRAM District- Gaya

1. Harihar Dusadh @ Harihar Paswan, Son of Shivalak Dusadh,
2. Mahendra Paswan, Son of Harihar Dusadh @ Harihar Paswan
All Resident of Village - Kanargadh, P.S.- Kothi, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Kothi P.S. Case No.33 of 2019 registered for the offences punishable under Sections 341, 353, 506, 427, 224 and 225/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioners.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that



very assertion of the informant who is himself a police officer that he had arrested one of the sons of petitioner no.1 on an information that the petitioner no.1 and his sons are involved in sale of the illicit liquor and said arrest was claimed to be in accordance with law seems to be a wholly false statement inasmuch as no recovery of illicit liquor has been made from the possession of son of petitioner no.1, there is no seizure of any incriminating article either from the possession of his son or from the house of these petitioners and it is difficult to understand as to why police will claim to have arrested one of the sons of petitioner no.1 and brother of petitioner no.2 on the allegation of his involvement in trade of illicit liquor, the further submission that in fact the petitioner no.1 has taken voluntary retirement from service as chowkidar and in his place the petitioner no.2 is working and has made application for his appointment as chowkidar which is not liked by the other persons in the police station and only to get rid of him this false case has been created involving both the petitioners as also further submission that these petitioners are having clean antecedent, there is no seizure of illicit liquor and the subsequent story that these petitioners involved in damaging the police jeep has also been contested by learned counsel for the petitioners saying that it is not possible for 2-3 persons to involve in such occurrence in presence of substantial number of police force, let the petitioners in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on



furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati (Gaya) in connection with Kothi P.S. Case No.33 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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