

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80354 of 2019

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

GUDDU YADAV @ GUDDU KUMAR @ GUDDU RAI, aged about 32 years, Male, Son of Sri Mahendra Rai, Resident of Village - Masha Alam, P.S.- Bairstania, District- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Prasad Singh, Advocate.
For the Opposite Party : Mr.Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 341, 323, 504, 353 of the IPC and 30(a)/34 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 01.05.2019 at 19.05 hours, the informant alongwith armed forces, S.S.B. Jawans caught two persons with Motorcycle on chase loaded with a bag who disclosed their name as Ram Swarath Rai and Lalan Rai and on search of their bags, recovered 36 liters of Nepali wine kept in their Motorcycle bearing its Registration No. BR-55A-0485 and arrested both the accused persons and



came near house of Ganesh Mukhiya of village-Masha Narottam where Lalan Rai, Guddu Yadava, Akit Yadava, Pramod Sah, Paramhansh Yadava, Dipu Yadava and 10 to 16 unknown persons surrounded the police and abused them and assaulted with Lathi and set free both the arrested persons from their clutch. On information, other B.O.P. Jawans came there and miscreants fled away.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.09.2019. The petitioner has got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The police arrested co-accused Ram Swarath Rai and Lalan Rai and recovered 36 liters wine from their possession. Upon which, the petitioner and others surrounded the police, abused them and assaulted with Lathi and set free both the co-accused arrested persons from the custody of the police. 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 petitioner is named in the F.I.R/ complaint case.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Bairgania P.S. Case No. 92 of 2019.

(Sudhir Singh, J)

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