

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70234 of 2019

Arising Out of PS. Case No.-246 Year-2019 Thana- ARARIA District- Araria

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1. Manikchand Mandal, Son of Ramjee Mandal, Resident of Village- Hirdaypur, P.S.- Araria (R.S.), District- Araria.
 2. Dinesh Mandal, Son of Ramjee Mandal, Resident of Village- Hirdaypur, P.S.- Araria (R.S.), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 31-01-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Special Case No. 478 of 2019, arising out of Araria P.S. Case No. 246 of 2019, registered under Section 307 and other allied Sections of the Indian Penal Code and Section 30(a), 38, 41(i) of the Bihar Excise Act, 2016 and Section 27 of the Arms Act.

The accusation is that on receiving secret information about keeping the illicit liquor by Samod Mandal and nine others in village Hirdaypur, the informant along other police personnel reached there but on seeing the police party,



Samod Mandal started to flee away, while on chased, he was apprehended. On search of the house of Samod Mandal, six bottles each containing 180 ml Indian made foreign liquor was recovered. Thereafter, police started accompanying to Samod Mandal at the police station but nine persons named in the FIR including the petitioner along with 100 unknown male and female made attempt to set free Samod Mandal. At that time, petitioner no.1 and Sanjit Chauhan fired through their pistols but none had sustained injury and mob also started to scuffle, in which, police party sustained injury.

Learned counsel for the petitioners submits that it would appear from the FIR that nothing has been recovered from possession of the petitioners, while only allegation has been made against the petitioner to create nuisance to set free Samod Mandal, while he was taking at the police station. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Araira, in connection with Special Case No. 478 of 2019, arising out of Araria P.S. Case No. 246 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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