

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83839 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- MARANCHI District- Patna

1. Sunil Kumar @ Chakariya Singh Son of Awadhesh Singh Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna
2. Abhimanyu Kumar @ Mannu Kumar Son of Awadhesh Singh Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna
3. Awadhesh Singh Son of Sitaram Singh Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna
4. Mangari Devi Wife of Awadhesh Singh Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna
5. Pooja Devi Wife of Chakariya Singh @ Sunil Kumar Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna
6. Deepak Kumar Son of Radheshyam Singh Resident of Village - Nauranga, P.S.- Maranchi, (Panchmahala O.P.), District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Maharaj, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 147, 149, 353, 186, 427, 323, 504 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioners that



during pendency of this application the petitioner no. 3 was arrested and as such he is not pressing the application so far as petitioner no. 3 is concerned.

As per the allegation in the FIR, one of the sons of the petitioner nos. 3 and 4 is stated to have been seen coming with a suspicious article on his motorcycle. On seeing the police personnel he handed over the article to an unknown person and managed to escape. The other person also left the article and escaped. It is stated that 1.5 litres of IMFL was recovered and a seizure list prepared. It is further stated that Chotu Kumar was subsequently arrested but as a result of his shouting, his neighbours as also the members of his family started to protest and lay down in front of the police vehicle. Thereafter, they started pelting stones and managed to facilitate the said Chotu Kumar to escape.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 and 2 happen to be the brother of the said Chotu Kumar while the petitioner no 4 happens to be their mother. Petitioner no. 5 happens to be the wife of petitioner no. 1 and petitioner no. 6 is a cousin brother of Chotu Kumar. It is further submitted that from the FIR itself it would transpire that no incriminating article has been recovered from the possession



of these petitioners who have no criminal antecedent. Further, from the seizure list brought on record it would transpire that the recovery of 1.5 litres of IMFL is said to have taken place at 8.25 pm from the field.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner nos. 1, 2, 4, 5 and 6 on bail. The petitioner nos. 1, 2, 4, 5 and 6, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Maranchi (Panchmahala O.P) P.S. Case no. 115 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Patna, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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