

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85920 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- BARGAINIA District- Sitamarhi

1. Jitendra Rai Son of Late Ladai Rai Resident of Village-Ashogi, Shivnagar, Ward No.7, P.S.-Bairgania, District-Sitamarhi.
2. Radhey Rai @ Radha Rai Son of Biswanath Rai Resident of Village-Ashogi, Shivnagar, Ward No.7, P.S.-Bairgania, District-Sitamarhi.
3. Tarkeshwar Rai Son of Yogendra Rai Resident of Village-Ashogi, Shivnagar, Ward No.7, P.S.-Bairgania, District-Sitamarhi.
4. Biswanath Rai Son of Late Yogendra Rai Resident of Village-Ashogi, Shivnagar, Ward No.7, P.S.-Bairgania, District-Sitamarhi.
5. Harendra Rai @ Harindra Rai Son of Siya Rai Resident of Village-Ashogi, Shivnagar, Ward No.7, P.S.-Bairgania, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bairgania P.S. Case No. 134 of 2019 registered for the offences punishable under Sections 147, 148, 149, 188, 323, 353, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners as per first information report is that police, on the basis of the secret information that in Village Ashogi Tole one Bishwanath Rai and



Ladai Rai have concealed illicit liquor, for the purpose of sale proceeded towards the place of occurrence and when the police party arrived at the house of the aforesaid two persons, the petitioners, along with other hundred unknown persons, prevented the police officials from raiding the premises of the accused persons. Due to the obstruction created by the petitioners and hundred unknown persons of the village, the police was not successful in raiding the house of the accused persons.

Mr. Ashok Kumar Jha, learned counsel appearing on behalf of petitioners submits that the petitioners have falsely been implicated in this case with oblique motive. Learned counsel further submits that from the perusal of the FIR it would be evident that no specific allegation has been levelled against the petitioners and the allegation of preventing the police party has been levelled against the petitioners along with hundred unknown persons. Learned counsel further submits that the petitioners have got a clean antecedent.

Having heard learned counsel for the parties and taking into consideration the fact that general and omnibus allegation has been levelled against the petitioners and hundred unknown accused persons and the fact that the petitioners have



got a clean antecedent, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 134 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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