

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14475 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- SIRDALA District- Nawada

-
1. RAJO RAJBANSHI S/O Dular Rajbanshi R/V Gonpur, P.S.- Sirdala, District - Nawada.
 2. Bipin Rajbanshi S/o Rajo Rajbanshi R/V Gonpur, P.S.- Sirdala, District - Nawada.
 3. Sachin Rajbanshi S/O Rajo Rajbanshi R/V Gonpur, P.S.- Sirdala, District - Nawada.
 4. Vijay Chaudhary S/O Dwarik Chaudhary R/V Gonpur, P.S.- Sirdala, District - Nawada.
 5. Gabbar Chaudhary S/O Vijay Chaudhary R/V Gonpur, P.S.- Sirdala, District - Nawada.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Krishna Deo Raj, Advocate.
For the State	:	Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 20.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Rajo Rajbanshi, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Rajo Rajbanshi, to grant him the privilege of pre-arrest



bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Rajo Rajbanshi.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Rajo Rajbanshi, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.2, 3, 4 and 5, above named, to grant them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.2, 3, 4 and 5, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.2, 3, 4 and 5, above named, apprehend their arrest in connection with Sirdala P.S. Case No.364 of 2020 registered under Sections 30(d) and 41 of the Bihar Prohibition and Excise Act.

The accusation is that in course of patrolling duty, the informant along with other police personnel received information about preparation of the liquor near Aahar in village-Gonpur. Thereafter, the informant along with other police personnel reached there. On seeing the police party, 5 persons started to flee away. While they were chased but they succeeded to flee away taking the advantage of bushes. The local Chowkidar, who was present there, identified the aforesaid 5 persons, who succeeded to flee away, as Gabbar Chaudhary (petitioner no.5), Rajo Rajbanshi, Bipin



Rajbanshi (petitioner no.2), Sachin Rajbanshi (petitioner no.3) and Vijay Chaudhary (petitioner no.4). On search, 3 liquor Bhatti, 1000 liters of Jawa Mahua Mixture etc. were recovered from there.

Learned counsel for the petitioner nos.2, 3, 4 and 5 above named, submits that the petitioner nos.2, 3, 4 and 5 have no criminal antecedents and they have falsely been implicated in this case at the instance of the local Chowkidar due to local politics.

Having considered the facts and the circumstances of the case, let the petitioner nos.2, 3, 4 and 5, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Court, Nawada, in connection with Sirdala P.S. Case No.364 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

