

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25584 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- KALYANPUR District- Samastipur

1. Pankaj Kumar S/O Raj Kumar Rai R/O Village Muktapur, P S Kalyanpur, District-Samastipur.
2. Monu Kumar S/O Suresh Rai R/O Village Muktapur, P S Kalyanpur, District-Samastipur.
3. Kamal Rai S/O Late Matar Rai R/O Village Muktapur, P S Kalyanpur, District-Samastipur.
4. Malindra Rai S/O Late Ram Lagan Rai R/O Village Muktapur, P S Kalyanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 307, 323, 324, 338, 337, 341, 353, 379, 427, 504 of the Indian Penal Code 3 and 4 of Prevention of Damage to Public Property and 47, 30(a), 41(2) (1) of the Bihar Prohibition and Excise Act, 2016.



The prosecution case, in short, is that the accused persons, forming an unlawful assembly started pelting stones on the police party and created obstruction in discharge of official duty. 108 liters of wine is recovered in this case.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that 108 liters wine is recovered from the house of co-accuseds. There is no recovery of liquor from the possession of the petitioners. As far as offence under Section 307 I.P.C. is concerned, general and omnibus allegation has been made against 60 named persons along with others. No specific overt act is alleged against the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory



bail on their personal bonds to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 287 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Pankaj/-

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

