

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36104 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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AVNISH KUMAR Son of Pinku Singh Resident of Village - Babhangama,
P.S.- Nawkothi, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 323, 332, 333, 353,
307, 504, 506, 120(B) of the Indian Penal Code, Section 27 of
the Arms Act and Sections 30(a), 37(b) and 37(c) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution allegation, in short, is that when the
police party reached the place of occurrence, the accused
persons, on seeing the police fled away by opening fire.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2 liters wine is recovered from a hut belonging to co-accused. As far as offence under section 307 IPC is concerned, general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise Act, Begusarai in connection with Nowkothi P.S. Case
No. 175/2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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