

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36132 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- MEHANDIGANJ District- Patna

Manchan Kumar Son Of Sri Girija Rai R/O Village- Ranipur Adda, P.S.-
Mehandiganj, Dist.- Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr. Upendra Kumar, APP

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, 341, 323, 504, 506,
307, 332, 333, 342, 224, 201, 338, 427, 353,, 225, 379 of the
Indian Penal Code, Section 27 of the Arms Act and Section 45
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on secret
information, when the police reached the place of occurrence,
on seeing police party, one accused started fleeing away but was
apprehended but the other co-accused persons attacked on



police party and got him freed from the police custody. 30 liters wine was also recovered.

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 as the recovery is made from the joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 30 liters wine is recovered from the joint house of the petitioner. It is alleged that when the police took petitioner in captivity, the co-villagers got him released from the police custody. As far as offence under Section 307 IPC is concerned, general and omnibus allegation has been made 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, Patna in connection with Mehandiganj P.S. Case No. 57 of 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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