

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33139 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- GHOSI District- Jehanabad

1. SHIVA YADAV Son of Late Bale Yadav Resident of Village- Sujatpur, P.S.- Ghosi, District- Jehanabad.
2. Shaligram Yadav Son of Late Bale Yadav Resident of Village- Sujatpur, P.S.- Ghosi, District- Jehanabad.
3. Ravindra Kumar Son of Dayal Yadav Resident of Village- Sujatpur, P.S.- Ghosi, District- Jehanabad.
4. Sanjeet Kumar @ Pandit Jee @ Sanjeev Kumar Son of Shiva Yadav Resident of Village- Sujatpur, P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 147, 323, 341, 325, 379, 504, 506/34 of the Indian Penal Code and 37(C), of Bihar Prohibition & Excise (Amendment) Act, 2018.

Prosecution case in short is that on 09-03-2020, the



informant had gone to Sujatpur for milling of the wheat. At that time, these petitioners and other accused persons came with lathi and danda and started abusing him. On protest, these petitioners and others assaulted him with stone, causing injury. When the niece of the informant came for rescue, her gold chain was snatched.

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 been falsely implicated in the present case due to mistake of fact. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. So far as offence under the provision of Excise Act is concerned, the same is not applicable in the present case against the petitioners.

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

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount to the satisfaction of learned Additional District & Sessions Judge-II, Jehanabad in connection with Excise Case No. 341 of 2020 arising out of Ghosi P.S. Case No. 89 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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