

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44137 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- PATLIPUTRA District- Patna

1. Santosh Kumar, Gender-Male, aged about 30 years, Son of Binda Saw, Resident of Village - Kurji, P.S.- Digha, Distt.- Patna.
2. Madho Kumar, Gender-Male, aged about 26 years, Son of Binda Saw, Resident of Village - Kurji, P.S.- Digha, Distt.- Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Parashuram Singh, Advocate
For the Opposite Party : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Patliputra P.S. Case No. 167/2021 for the offence registered under Sections 341, 323/34 of the I.P.C. and 37(b)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 17.03.2021 at about 8.00 P.M., the informant was sitting at *D.T.D.C.*



Currier, Gyatri Market, opposite-Chasma Centre, Kurji, Patna, in the meantime, petitioners came there and started assaulted the informant with *Danda* and *Iron rod*, as a result of which, he sustained injuries on his head, stomach and nose. When he started to flee away, then co-accused Mukesh Kumar also assaulted the informant with *Danda* on his leg and nose. Thereafter, the informant went to Patliputra Police Station and lodged F.I.R.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that both the petitioners came and assaulted with *Danda* and *Iron rod* on the head, stomach and nose of the informant. One of the co-accused, namely, Mukesh Kumar, alleged to be in drunken state at the time of occurrence, also assaulted with *Danda on the* leg and nose of the informant. Nature of injury is said to be simple. There is no recovery of any liquor from conscious possession of the petitioners. Hence, no offence under the Excise Act is made out in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioners



in this case.

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 of the case, let the petitioners above named, in the event of arrest or 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Patliputra P.S. Case No. 167/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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