

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33593 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- BELHAR District- Banka

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1. BINAY LAL MURMUR @ VINAY LAL MURMU, Son of Pandua Murmu
Resident of Village- Kherikhad, Ranga, P.S.- Belhar, District- Banka.
 2. RAMESH MARANDI, Son of Vishun Marandi @ Vishu Marandi Resident
of Village-Kherikhad, Ranga, P.S.-Belhar, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-03-2021 Mr. Sanjay Kumar Jha, learned counsel for the

petitioners seeks permission to withdraw the application

with respect to petitioner no. 2.

The petition with respect to petitioner no. 2,

namely, Ramesh Marandi is dismissed as withdrawn.

The petitioner no. 1 seeks bail in anticipation of

his arrest in connection with Belhar P. S. Case No. 30



of 2020, dated 27.01.2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 333, 334, 337, 353, 307 and 427 of the Indian Penal Code and Sections 30 (a) (g) of Bihar Prohibition and Excise Act, 2016.

45 litres of locally brewed Mahua liquor is said to have been recovered from the backside of the house of petitioner no. 1.

The learned counsel for the petitioner has submitted that the recovery is from an open space which cannot exclusively be saddled on him, as the place from where the recovery has been made is open to all and sundry.

It is the accusation in the F.I.R. that the police party which had gone to conduct the raid were attacked by villagers by means of brick-bats.

The learned counsel for the petitioner has submitted that no specific accusation has been levelled against the petitioner so far as that allegation is



concerned and he has also emphatically averred that none of the members of the police party have received any injuries.

In fact, he has submitted that no injury report is on record.

Considering the aforesaid submissions of the learned counsel for the petitioner, the petitioner no. 1, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – II, Banka (Additional District Judge – II), Banka, in connection with Belhar P. S. Case No. 30 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

While saying so, this Court has also taken note



of the fact that the petitioner has no criminal antecedents.

(Ashutosh Kumar, J)

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