

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32230 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- VAISHALI District- Vaishali

VIKASH KUMAR @ VIKASH KUMAR RAI, (Male), aged about 20 years,
Son of Siya Lal Rai, Resident of village - Subhai, P.S. - Vaishali, District -
Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manohar Prasad Singh, Advocate.
For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-02-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

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

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 341, 342,
323, 353, 324, 307, 332, 333, 364, 386, 387, 504, 506, 120(B) of
the I.P.C., 25(1-b)a, 26, 35 of the Arms Act and 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 14.03.2020,
the informant received a confidential information that a wanted
accused Guddu Paswan is present in his house and he has kept



consignment of illegal liquor in his house. It is alleged that thereafter the informant proceeded alongwith police party for verification of the information and reached village-Subhai at the door of Guddu Paswan where Motorcycle bearing no registration number plate was seen standing having sack tied with its seat. It is further alleged that upon witnessing police the persons so standing nearby the Motorcycle tried to run away from there, however, they were caught upon chase and upon inquiry they stated their names to be Guddu Paswan and Vikash Kumar (petitioner). Upon search of the sack so recovered from the seat of aforesaid Motorcycle, total 16.02 liters liquor was recovered and on search of the person of apprehended Guddu Paswan, a pistol loaded with two live cartridges was recovered from his waist. Seizure list was prepared for the aforesaid articles. In the meantime, large number of persons armed heavily arms arrived there and started demanding the release of aforesaid apprehended persons and when it was refused, one Rakesh Paswan assaulted with *Farsa* at a companion force whereby he got injured and the said aforesaid apprehended persons become free. Thereafter, the said Guddu Paswan ordered to kill the force so present there alongwith informant and thereupon some of the member of armed forces were kept



hostage by the unruly mob. The police party food escaped therefrom by saving their lives, however, the person so present in the mob were identified by local *Dafadar*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 16.02 liters wine and one loaded pistol were recovered from the house of co-accused Guddu Paswan. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 of the case, the petitioner 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with



two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Vaishali P.S. Case No.107/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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