

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35710 of 2020

Arising Out of PS. Case No.-646 Year-2019 Thana- CHAPRA TOWN District- Saran

1. BAGESH RAI @ BIJESH RAI SON OF LATE RANJEET RAI RESIDENT OF MOHALLA - CHHOTA TELPA, POLICE STATION - CHAPRA NAGAR, DISTRICT - SARAN AT CHAPRA.
2. PANKAJ KUMAR @ PANKAJ RAI SON OF BIJESH RAI RESIDENT OF MOHALLA - CHHOTA TELPA, POLICE STATION - CHAPRA NAGAR, DISTRICT - SARAN AT CHAPRA.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Nawal Kishore Singh, Advocate.
For the State	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-04-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 16.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Bagesh Rai alias Bijesh Rai, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Bagesh Rai alias Bijesh Rai, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner



no.1, namely, Bagesh Rai alias Bijesh Rai.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Bagesh Rai alias Bijesh Rai, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, above named, to grant him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, above named, apprehend his arrest in connection with Chapra Town P.S. Case No.646 of 2019 registered under Sections 272, 273 and 120(B) of the Indian Penal Code besides Sections 30 (a) and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty by the informant along with other police personnel, gathering of the public was seen in front of the shop of Sitaram at Karim Chowk Road, then the informant along with other police personnel stopped the police vehicle. Thereafter, a person was handed over to the police by the public saying that he was going with the liquor. On query, that person disclosed his name as Dharmendra Rai and from the sack of his bicycle, 12 liters country made liquor, kept in three polythene, was recovered. Dharmendra Rai also disclosed that before one day,



quarrel had taken place in between him and Bijesh Rai, due to that reason, today, Bijesh Rai and Pankaj Rai (petitioner no.2) caught hold of him and caused assault to him.

Learned counsel for the petitioner no.2, above named, submits that due to enmity, the petitioner no.2 has falsely been implicated in this case and the petitioner no.2 has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Saran at Chapra, in connection with Chapra Town P.S. Case No.646 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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