

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38385 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- FATEHPUR District- Gaya

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Muneshwar Manjhi @ Dhathurva @ Bhuneshwar Manjhi, Son of Karu Manjhi, Resident of Village - Tetariya, P.S.- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate.

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Fatehpur P.S. Case No. 58 of 2020 (Special Excise Case No. 612 of 2020), registered under Sections 188 and 353 of the Indian Penal Code, Section 3 of the Prevention of Damage of Public Property Act and Section 30(a) of the Bihar Excise Act, 2016.

The accusation is that on receiving secret



information about selling the illicit liquor by Madan Manjhi in village Tetaria, the informant along with other police personnel reached there. On seeing the police party, one person started to flee away from the house of Madan Manjha, while he was chased but succeeded to flee away. At that time, the local Choukidar identified him as Madan Manjhi, who succeeded to flee away. On search, one plastic gallon containing 8 litre country made liquor was recovered from the house of Madan Manjhi. After raid, when the police was returning then in the way, one person having stick in his hand started to create nuisance on the road and also damaged the glass of the police vehicle. When the police tried to caught hold then the person creating nuisance succeeded to flee away and thereafter, the local Choukidar identified him as Muneshwar Manjhi @ Dhathurva (petitioner)

Learned counsel for the petitioner submits that nothing has been recovered from possession of the petitioner rather it is alleged that the person, who damaged the glass of the police vehicle, succeeded to flee away but due to dirty village politics, the local Choukidar disclosed the name of the petitioner in the present case with false allegation. Further submission is that petitioner has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Gaya, in connection with Fatehpur P.S. Case No. 58 of 2020 (Special Excise Case No. 612 of 2020), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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