

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.564 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. MUDRIKA YADAV@RAI JI SON OF DEO NATH YADAV RESIDENT OF VILLAGE- MASARH TOLA, P.S.-UDWANTNAGAR, DISTRICT- BHOJPUR, BIHAR
2. BIKASH YADAV@VIKASH YADAV@ BIKASH KUMAR SINGH SON OF MUNDRIKA YADAV @ RAI JI RESIDENT OF VILLAGE- MASARH TOLA, P.S.-UDWANTNAGAR, DISTRICT- BHOJPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudha Chandra, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 01.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Excise Special Case No. 399 of 2020, arising out of Udwanthnagar (Gajrajganj) P.S. Case no. 83 of 2020, registered under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty



one tempo was seen, when signal was given to stop the tempo then four persons, who were present in the tempo, succeeded to flee away while one person was apprehended from the tempo, who disclosed his name Mangal Mushahar. On search of tempo, several pouches of country made liquor in volume of 160 litres recovered. The local Chowkidar, namely, Manoj Kumar Rai disclosed that Bikash Yadav (Petitioner No.2), Mundrika Yadav (Petitioner No.1), Algu Yadav and Surendra Kahar, who managed to escape from the tempo.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioners were not apprehended on the spot nor they are owner or driver of the tempo, but, they have falsely been implicated in this case by the local Chowkidar, due to dirty village politics. Further submission is that petitioner No.1 Mundrika Yadav is the Ex-Mukhiya of the village and due to that reason, he and his son Bikash Yadav have been implicated in this case. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Bhojpur, Ara in connection with Excise Special Case No. 399 of 2020, arising out of Udwanthnagar (Gajrajganj) P.S. Case no. 83 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

