

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3785 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- MANSI District- Khagaria

1. PRASHANT KUMAR, S/O PRITHVI YADAV RESIDENT OF VILLAGE-EKANIA, P.S.-MANSI, DISTRICT-KHAGARIA.
2. ROUSHAN KUMAR S/O LATE ARVIND YADAV RESIDENT OF VILLAGE-GOURASHAKTI, P.S-MUFASSIL, DISTRICT-KHAGARIA.
3. PRITHVI YADAV S/O LATE NARAYAN YADAV RESIDENT OF VILLAGE-EKANIA, P.S-MANSI, DISTRICT-KHAGARIA.
4. CHHOTU KUMAR S/O LATE RAJO YADAV RESIDENT OF VILLAGE-EKANIA, P.S-MANSI, DISTRICT-KHAGARIA.
5. MADHU KUMAR S/O BIBHUTI YADAV RESIDENT OF VILLAGE-EKANIA, P.S-MANSI, DISTRICT-KHAGARIA.
6. KARAN YADAV @ KARAN KUMAR S/O LATE ARVIND YADAV RESIDENT OF VILLAGE-GOURASHAKTI, P.S-MUFASSIL, DISTRICT-KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-09-2021 Heard Mr. Rajesh Kumar, learned advocate for

the petitioners and Mr. Syed Mojibur Rahman, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Mansi P. S. Case No. 187 of

2020 (G. R. No. 1894 of 2020), instituted for the

offences under Sections 147, 148, 149, 341, 323, 353,



427, 188, 307 and 504 of the Indian Penal Code.

The accusation in the F.I.R., which has been lodged by the ASI of Mansi Police Station, is that he on an information that two persons are carrying liquor with them on a motor-cycle, put up a picket on the National Highway No. 31. On seeing two motor-cyclists coming from a direction, the vehicle was signalled to be stopped. However, the accused persons managed to flee away. One person namely, petitioner no. 2 (Raushan Kumar) was caught on chase and from his possession a bag full of bottles of liquor was recovered from him. In the meantime, it has been alleged that the accused persons including the petitioners came and clashed with the police party and managed to extricate aforesaid Raushan Kumar from the custody of the police.

The learned advocate for the petitioners has submitted that no case under the Excise Act has been registered against the petitioners.

It has further been submitted that because of



some bad blood, the petitioners have been made accused in this case at the instance of the local *Chaukidar* who has pulled his wires with the informant of this case namely the ASI of Mansi Police Station. Had the accusation been true, the petitioner no. 2 at least would have been made accused in case of Excise Act as well. That not having been done, the entire accusation in the F.I.R. appears to be doubtful.

Apart from this, it has been submitted that the informant has received such injuries which could have been caused in any transaction.

It appears from the dimension of the injuries which are reported to be simple in nature that the informant received such injuries in other transaction.

The petitioners are young persons and are pursuing their studies.

They do not have criminal antecedents.

Regard being had to the afore-stated facts, the petitioners, above-named, are directed to be released on



bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Mansi P. S. Case No. 187 of 2020 (G. R. No. 1894 of 2020), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

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

