

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2483 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- FESHAR District- Aurangabad

1. SANOJ KUMAR SINGH S/o Ram Vilash Singh Resident of Vill.- Bakan, P.S.- Fesar, Distt.- Aurangabad.
2. Rahul Kumar S/o Virendra Singh Resident of Vill.- Bakan, P.S.- Fesar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Counsel for the petitioners seeks permission to withdraw the present application filed on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in a



case registered under Sections 341, 323, 307, 379, 504, 506/34 of I.P.C. and Sections 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons including the petitioner No.1 assaulted the informant with farsa and sword, due to which he sustained injuries and the accused persons were found in drunken state.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in this case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner No.1. It is alleged that the accused persons were found in drunken state. There is no recovery of liquor from the possession of the petitioner No.1. The nature of injury is said to be simple. Hence, no offence under Section 307 of I.P.C. is made out.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner No.1, above named, in the event of arrest or surrender before the learned court below



within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District & Sessions Judge VII-cum-Special Judge, Excise, Aurangabad in connection with Fesar P.S. case No.19 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.1 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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