

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5323 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

LALLAN RAI, aged about 46 years, S/o Ekbali Rai @ Ramekbal Rai,
Resident of Vill.- Ghogharaha, P.S.- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Kumar Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 341, 323,
307, 332, 333, 225, 353, 427, 504, 506 of the I.P.C. and 45 and
52 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police
arrested one Vijay Yadav and recovered total 35 liters of spirit
from him then the petitioner and others came there having Lathi,
Danda, Farsa and Bhala and assaulted upon the police force and
also damaged the police vehicle and forcibly they have taken



away the arrested accused Vijay Yadav.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As far as offence under Section 307 of the I.P.C. is concerned, the same is general and omnibus. No specific overt act is alleged against the petitioner. It is alleged that total 35 liters of spirit is recovered from the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner 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 the learned Additional District and Sessions Judge-II, Gopalganj, in



connection with Mohammadpur P.S. Case No. 157 of 2019, G.R. No. 1041/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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)

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