

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10049 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- GOVINDPUR District- Nawada

Sanjay Chaudhary @ Sanjay Chaudhari Son Of Ramdhani Chaudhari
Resident Of Village- Baksoti, P.S- Govindpur, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 26-05-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner 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.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 224, 332, 353, 427 of I.P.C. and Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons including the petitioner tried to get arrested persons free from the police. Two liters wine is recovered from the open field of co-accused Phulwa Devi.

It has been submitted on behalf of the petitioner that

the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of disclosure made by the local Choukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner. It is alleged that 2 liters wine is recovered from the open field belonging to co-accused, namely, Phulwa Devi. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 learned Additional Sessions Judge IInd-cum-Special Judge, Nawada in

connection with Govindpur P.S. case No.42 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 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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