

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2935 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- PANCHRUKHI District- Siwan

1. BHOLA CHAUDHARI S/o Yugeshwar Chaudhari R/o village- Gamharia, P.S.- Pachrukhi, District- Siwan
2. HARENDRA KUMAR YADAV @ HARENDRA CHAUDHARI S/o Bhola Yadav R/o village- Gamharia, P.S.- Pachrukhi, District- Siwan
3. GOVINDA KUMAR @ GOVINDA YADAV S/o Ashok Yadav R/o village- Gamharia, P.S.- Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 as during pendency of this application, the petitioner has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner



No. 2 is dismissed as withdrawn.

The petitioner Nos. 1 & 3 are apprehending their arrest in connection with Pachrukhi P.S. Case No. 228 of 2021 registered for the offence under Sections-147, 148, 149, 323, 342, 353, 332, 333, 337, 504 of the Indian Penal Code and Sections-30(a)/41(1) of the Bihar Prohibition and Excise Act.

Allegedly, the local people protested against the arrest of co-accused and in that course 81 liters wine is recovered.

It has been submitted on behalf of the petitioner Nos. 1 & 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. It is alleged when the police had gone to arrest the co-accused, the local residents protested and 81 litres wine is recovered from three different motorcycles. A scuffle is said to have taken place between both sides. There is no recovery of wine from possession of the petitioner Nos. 1 & 3. The petitioner Nos. 1 & 3 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 Nos. 1 & 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner Nos. 1 & 3 above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Pachrukhi P.S. Case No. 228 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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