

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7469 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- ROH District- Nawada

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1. MADAN YADAV Son of Chander Yadav Resident of Village - Samraitha, P.s.- Roh, Distt.- Nawada.
 2. Jitendra Raj Banshi Son of Arjun Raj Banshi Resident of Village - Samraitha, P.s.- Roh, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 147, 148, 149, 341, 323, 307, 353,
427, 332, 504, 506 of the Indian Penal Code and 30(A)(B) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that when the police
party reached the place of occurrence, the accused persons
started fleeing away but some were apprehended and 60-70



liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 60-70 liters wine is recovered from a *bhatti*. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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 Additional Sessions Judge -II-cum- Special Judge, Nawada in connection with Roh P.S. Case No. 138/2021, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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