

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12700 of 2021

Arising Out of PS. Case No.-446 Year-2018 Thana- BIHTA District- Patna

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1. CHANDRA KANTI DEVI WIFE OF ARUN MANJHI R/O VILLAGE- RAMPUR ISMYLPUR, P.S.- BIHATA, DISTRICT- PATNA.
 2. SUTHAR MANJHI SON OF BHOLA MANJHI R/O VILLAGE- RAMPUR ISMYLPUR, P.S.- BIHATA, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-01-2022 Heard the parties through virtual court proceedings.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail as against petitioner no.2, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.2 is dismissed as infructuous.

Now, the present case is being heard on the prayer of grant of anticipatory bail as against petitioner no.1.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 45 of the Bihar



Prohibition and Excise Act, 2016.

According to prosecution case, about 100 males and females obstructed the police by pelting stones as the police on secret information had come to raid houses of certain persons to recover liquor. Petitioner was not present there at the time of raid. It is alleged that on search 25 liters of country made liquor was recovered from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case only on suspicion. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. His name appeared in this case on the statement of the apprehended co-accused with the allegation that he was member of the mob who were involved in pelting stones and bricks over the police party. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. Similarly situated co-accused namely Kanhaia Manjhi has been enlarged on anticipatory bail vide Cr. Misc. No.15477 of 2020 dated 11.06.2020. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.



Petitioner no.1 is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.1, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Bihta P.S. Case No.446 of 2018, corresponding to Special Case No.4150 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The bail bond of the petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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