

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16012 of 2022

Arising Out of PS. Case No.-402 Year-2021 Thana- SAKRA District- Muzaffarpur

Nagendra Kumar @ Tinku, aged about 28 years, Male, Son Of Chandra Mohan Rai, R/O Village- Kuleshra Dhih, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vasant Vikas, Advocate
For the Opposite Party : Mrs. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned counsel for the State.

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

The petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 402/2021 for the offence registered under Sections 414, 365, 386 of the I.P.C. and Sections 30(a), 41 and 56(B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the petitioner alongwith other co-accused persons had illegally confined one person in the house of Chandra Mohan Rai and assaulted him. The police reached there and on opening the door, Md. Riyazul has been found with tied hand and legs and also recovered 27



liters wine from the said house. The said Md. Riyazul disclosed to the police that Nagendra Kumar @ Tinku (petitioner) and Raju @ Ranjan Singh had sent for liquor and consignment has been delivered to them but due to dispute with regard to fare of the vehicle, they confined and assaulted him. Subsequently, the police searched the house of co-accused Satyendra Singh and recovered 494.25 liters liquor.

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. It is alleged that 27 liters wine is recovered from the joint house of the petitioner and 494.25 liters wine is recovered from the house of 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, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Muzaffarpur, in connection with Sakra P.S. Case No. 402 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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