

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39119 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- MEHANDIGANJ District- Patna

1. Sona Devi Sri Hari Nand Ray @ Hari Nandan Ray R/v- Ranipur, Murchapur, P.S.- Mehandiganj, District- Patna.
2. Shobha Devi W/o- Baidhanath Ray R/V- Usmanpur, Athmalgola, P.S.- Usmanpur, District- Patna.
3. Ajay Kumar Rai S/o- Sri Hari Nandan Rai R/v- Ranipur, Ganjpar, Adda Morcha, P.S.- Mehandiganj, District- Patna.
4. Sonu Raj S/o- Sri Raghunandan Rai R/v- Ranipur, Ganjpar, Adda Morcha, P.S.- Mehandiganj, District- Patna.
5. Ashta Nand Prasad Singh S/o - Dev Lala Singh R/v- Ranipur, Morchapur, P.S.- Mehandiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, it is submitted by learned counsel
appearing on behalf of the petitioner that petitioner no.5,
namely, Ashta Nand Prasad Singh, has been arrested during the
pendency of the present anticipatory bail petition, as such, he
seeks permission to withdraw the present anticipatory bail



petition.

Permission granted.

Accordingly, the prayer for anticipatory bail on behalf of petitioner no.5, namely, Ashta Nand Prasad Singh, stands dismissed as having become infructuous.

The petitioners apprehend their arrest in connection with Mehandiganj P.S. Case No. 57 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 504, 506, 307, 332, 333, 342, 224, 201, 338, 427, 353, 225 and 379 of the Indian Penal Code, Section 27 of the Arms Act and Section 45 of the Bihar Prohibition and Excise Act.

The accused/petitioners are not named in the F.I.R.

The allegation against the petitioners is to assault on the police team alongwith other co-accused persons when the recovery of the liquor was being made by the police team.

Learned counsel appearing on behalf of the petitioners submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioners. It has further been submitted that the allegation against the petitioners is general and omnibus. It has also been submitted that petitioners are persons having clean antecedent.

Learned APP appearing on behalf of the State while



opposing the prayer for bail fairly conceded that nothing incriminating has been recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious physical possession of the petitioner coupled with the fact that petitioners are persons having clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Mehandiganj P.S. Case No. 57 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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