

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32127 of 2022

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

LOTHA MANJHI @ VIJENDRA MANJHI Son of Late-Mahavir Manjhi
Resident of Village- Rampur Ismael, P.S.- Bihta, District - Patna, Bihar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31398 of 2022

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

MANTI DEVI WIFE OF SRI ANOJ MANJHI R/O VILLAGE- RAMPUR
ISMAEL, P.S.- BIHTA, DISTRICT- PATNA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32127 of 2022)

For the Petitioner/s : Mr. Ravi Kant Kumar, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 31398 of 2022)

For the Petitioner/s : Mr. Ravi Kant Kumar, Adv

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-09-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioners apprehend their 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 the prosecution case, about 100 males and females obstructed the police by pelting stones as the police on secret information had come to raid the house of certain persons to recover liquor. Petitioners were 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 petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case on the basis of suspicion. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Their names transpired in the present case on the statement of 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. Similarly situated co-accused has been enlarged on anticipatory bail by this court vide order dated 04.01.2022 in Cr. Misc. No.12700 of 2021. Petitioners have no criminal antecedent, as



also mentioned in para-3 of the bail applications.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) each 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 petitioners, named above, in the event of their 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) each 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, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will



inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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