

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39823 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- BIHTA District- Patna

1. RAMESHWAR YADAV @ RAMESHWAR ROY Son of Kashi Roy Resident of Village - Chakmunji, P.S. - Bihta, District - Patna.
2. Lalu Rai Son of Rameshwar Yadav @ Rameshwar Roy Resident of Village - Chakmunji, P.S. - Bihta, District - Patna.
3. Chhotan Roy S/O Ramishwar Roy Resident of Village - Chakmunji, P.S. - Bihta, District - Patna.
4. Chandan Kumar Son of Chhotan Yadav @ Chhotan Roy Resident of Village - Chakmunji, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39835 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- BIHTA District- Patna

1. MAHESH ROY @ MAHESH YADAV Son of Ramishwar Roy Resident of Village - Chakmunje, P.S.- Bihta, Dist.- Patna.
2. Pappu Kumar Son of Chotan Roy Resident of Village - Chakmunje, P.S.- Bihta, Dist.- Patna.
3. Amit Kumar @ Amit Roy Son of Ramishwar Roy Resident of Village - Chakmunje, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39823 of 2021)

For the Petitioner/s : Mr.Ranjeet Tiwary

For the Opposite Party/s : Mr.Usha Kumari 1

(In CRIMINAL MISCELLANEOUS No. 39835 of 2021)

For the Petitioner/s : Mr.Ranjeet Tiwary

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-02-2022 Heard the parties through virtual mode.



Petitioners apprehend their arrest in connection with a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 307, 332, 336, 337, 427, 504 and 506 of the IPC, sections 30(a) and 45 of the Bihar Prohibition and Excise Act., 2016 and section 3(1)(R)(s) of SC/ST Act.

Altogether 5 liters of country made liquor is said to have been recovered from the bag of one Indu Devi, who fled away from the spot after throwing the bag of liquor. Allegation against the petitioners is that they along with other co-accused persons as a protest of raid, attacked and obstructed the police duty and caused injury to the chaukidar and the Home guard.

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 due to village politics. No incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor or the place of recovery. The recovery was made from the possession of Indu Devi but the said Indu Devi has already been enlarged on bail vide order dated 02.03.2020 passed in Cr. Misc. No.31564 of 2020. The injury sustained by the Home guard and the chaukidar is found to be



simple in nature. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail applications.

Petitioners are agreed to deposit a sum of Rs. 5,000.00/- (Rs. Five Thousand) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners of both the cases, 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.301 of 2020 (Special Case No.3370 of 2020), 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.5000.00/- (Rupees Five Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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