

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.675 of 2022

Arising Out of PS. Case No.-405 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. DHIRENDRA SINGH S/o Late Hanumat Singh R/o village- Jarang Tekuna, P.S.- Gaighat, District- Muzaffarpur
2. Raja Kumar @ Raja Singh S/o Sri Dharendra Singh R/o village- Jarang Tekuna, P.S.- Gaighat, District- Muzaffarpur
3. Rahul Kumar @ Rahul Singh S/o Sri Dharendra Singh R/o village- Jarang Tekuna, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset, submits that the petitioner no.3 has been arrested during pendency of the present anticipatory bail application as such seeks permission to withdraw the present anticipatory bail application with respect to him.

Permission is accorded.

The petitioner nos. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 353, 307, 427 and 506 of the Indian Penal



Code.

Learned counsel for the petitioners submits that the petitioners have antecedent of two cases under the Excise Act and the informant alleges that on 03.12.2020 at about 5:00 p.m., while he was on patrolling duty with his team he got secret information that Dharendra Singh (petitioner no.1) is hiding liquor in his house and selling it, accordingly the informant reached the place of occurrence where it is alleged that petitioners started instigating to assault the police on which 25-30 miscreants came armed with dangerous weapons and one of the miscreants tried to strangle the informant by putting a towel around his neck. It is further alleged that even 4-5 female miscreants through chilli powder which caused harm in the eyes of police officials and six police officials were also severely injured in the incident. The local *chowkidar* recognized ten accused persons, including two petitioners, and twenty unidentified accused are still to be located.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the informant alleges that there was an information that petitioner no.1 has kept liquor in his house and when the police reached the place of occurrence, the present



occurrence took place. It is next submitted that from the house of petitioner no.1 no liquor was recovered, it is also submitted that Police nowadays are harassing those who have antecedent relating to liquor cases and as such at times it happens that the villagers get instigated on account of arrival of Police in the village so frequently. It is next submitted that allegations as alleged in the F.I.R. are general and omnibus in nature and petitioner no.1 has been implicated based on secret information when it is the case of the informant himself that it was on his instigation that the present occurrence took place as such he did not participate in the occurrence. Learned counsel next submits that since nothing was recovered from the house of the petitioner no.1 as such it was alleged that it was on his instigation that the present occurrence took place.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1 and 2, 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Gaighat
P.S. Case No. 405 of 2020 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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