

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4351 of 2023

Arising Out of PS. Case No.-289 Year-2021 Thana- ATRI District- Gaya

MANISH KUMAR S/O KAMLESH SINGH Resident of village and P.O.-
Sheotar, P.S.- Atri, District- Gaya 805109 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 325, 307, 353, 332, 333, 427, 504 and 506 of the Indian Penal Code and 37(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons forming an unlawful assembly in a drunken state attacked on police party causing injury to police personnel and damaging of public property.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by local Chowkidar. There is no recovery of liquor in the present case from



the possession of the petitioner. It is submitted that in breath analyzer test, 29 accused persons were found to have consumed liquor. 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. No injury is said to have been caused by the petitioner. Hence, no offence under section 307 I.P.C. is made out against the petitioner. The petitioner has been made accused due to mistake of fact.

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, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Atri P.S. case No. 289 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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