

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12969 of 2023**

Arising Out of PS. Case No.-323 Year-2021 Thana- SARAIYA District- Muzaffarpur

Ram Chandra Das, aged about 28 years, Male, Son Of Shivilal Das, R/O Vill.-  
Ajitpur, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Manoj Kumar, Advocate  
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      29-04-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Saraiya P.S. Case No. 323 of 2021 for the offence registered under Sections 188, 269, 290, 353, 332, 504/34 of the I.P.C., Section 51 of Bihar Disaster Management Act and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the petitioner resisted in official duty of police after drinking by forming an unlawful assembly.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that the petitioner resisted in official duty of police after drinking by forming an unlawful assembly. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of any liquor from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. II, Muzaffarpur, in connection with Saraiya P.S. Case No. 323 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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