

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26799 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- BAIRIYA District- West Champaran

1. Shantosh Kumar @ Santosh Prasad S/O Madan Prasad Resident Of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran
2. Madan Prasad S/O Kailash Prasad Resident Of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran
3. Chandan Kumar S/O Madan Prasad Resident Of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran
4. Raj Kumar S/O Ramasheshwar Prasad Resident Of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran
5. Ajay Kumar S/O Sagar Prasad Resident Of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioner seeks
permission to withdraw this application with regard to petitioner
no. 2 submitting that during pendency of this application the
petitioner no. 2 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to
petitioner no. 2 is dismissed as withdrawn.



5. Now this application is being heard only with regard to petitioners no. 1, 3, 4 and 5.

6. The petitioners apprehends their arrest in Bairiya P.S. Case No. 384 of 2022 registered for the offences punishable under Section 147, 148, 149, 341, 323, 332, 342, 353, 504 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, pending in the Court of learned Exclusive Special Judge, Excise, Bettiah, West Champaran.

7. As per the prosecution case, it is alleged that the petitioners have committed marpit as well as snatched liquor from the police officials.

8. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioners nothing as allged in the F.I.R. has been taken neither any thing has been recovered. He further submits that the petitioners were not present at the place of occurrence neither they were indulged in liquor business. The petitioner no. 1 has one criminal antecedent and petitioners no. 3, 4 and 5 have no criminal antecedent as mentioned in para-3 of the bail



application.

9. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioners are involved in the present case. Hence, they do not deserve privilege of anticipatory bail.

10. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners no. 1, 3, 4 and 5 on anticipatory bail. The prayer for anticipatory bail of the petitioners no. 1, 3, 4 and 5 is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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