

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16702 of 2023

Arising Out of PS. Case No.-503 Year-2022 Thana- BIRAUL District- Darbhanga

1. HARE RAM JHA, aged about 75 years (Male), Son of Late Baua Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.
2. Gopal Kumar Jha @ Gopal Jha, aged about 21 years, Son of Nathuni Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.
3. Samtola Devi @ Santola Jha @ Santola Devi, aged about 67 years (Female), Wife of late Harish Chandra Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.
4. Raja @ Rajah Jha, aged about 28 years (Male), Son of Jagannath @ Jagannath Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.
5. Vinod Jha, aged about 37 years (Male), Son of Late Botal Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.
6. Bahur Jha @ Bahura Jha, aged about 56 years (Male), Son of Late Roop Narayan Jha, R/V- Shivnagar, P.S- Ghanshyampur, Dist- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2023 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 4, namely, Raja @ Raja Jha, as he has been taken into custody in connection with Biraul P.S. Case No. 503 of 2022 pending in the learned Special Judge Excise-2, Darbhanga at Laheriasarai.



Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 4, namely, Raja @ Raja Jha is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 2, 3, 5 and 6 and learned A.P.P. for the State.

The petitioner nos. 1, 2, 3, 5 and 6 are apprehending their arrest in connection with Biraul P.S. Case No. 503 of 2022 for the offence registered under Sections 147, 148, 149, 323, 341, 332, 353, 224, 225 of the I.P.C. and Section 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 26.12.2022 at 8.20 hours, on getting information, the police and other officials went to raid the house of Ajit Jha and Ranjit Jha who were accused in several cases and also involved in selling of illegal liquor. The police and other officials arrested them and took them to the police station. In the meanwhile, several persons armed with Lathi-Danda attacked on the police party and freed them from the custody of the police station. In the alleged occurrence, the



informant sustained several injuries on his body.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 2, 3, 5 and 6 have got no criminal antecedent. The petitioner nos. 1, 2, 3, 5 and 6 have been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against them. There was scuffle was going between the villagers and the police party who had come to arrest some other persons. Their names have transpired in the present case on the basis of Video footage. There is no F.S.L. Report of the said Video footage to ascertain the genuinity of the video in question. There is no recovery of any liquor in the present case. Except for this, there is no other substantive evidence to suggest their implication in this case. Nothing incriminating has been recovered from their conscious possession. Learned counsel for the petitioners 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 nos. 1, 2, 3, 5 and 6 are named in the F.I.R./ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner nos. 1, 2, 3, 5 and 6 (except petitioner no. 4, namely, Raja @ Raja Jha) 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-2, Darbhanga at Laheriasarai, in connection with Biraul P.S. Case No. 503 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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