

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17538 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MUFFASIL District- West Champaran

1. RAMBACHAN SAH SON OF SHAMBHU SAH R/O VILLAGE-BAKHABARI, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
2. RAJKUMAR SAH SON OF MOHAN SAH R/O VILLAGE-BAKHABARI, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
3. SHANKAR SAH SON OF LATE SUKHDEV SAH R/O VILLAGE-BAKHABARI, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
4. SOHAN SAH SON OF LATE SUKHDEV SAH R/O VILLAGE-BAKHABARI, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
5. SUMINTRA DEVI WIFE OF SOHAN SAH R/O VILLAGE-BAKHABARI, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 427 and 504 of the Indian Penal Code and under Section 30(a) and 45 of the Bihar Excise Act.

The learned counsel for the petitioners, at the outset, seems permission to withdraw the anticipatory bail application with respect to petitioner nos. 2 and 4 as they have been arrested



during pendency of the anticipatory bail application.

Learned counsel for the petitioners submits that the petitioner no. 5 is a woman and petitioner no. 1 has antecedent of one case and petitioner no. 3 and 5 are persons with clean antecedent and allegation is of recovery of 5 liters of liquor from a plastic gallon from a place behind a school.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that even the alleged recovery is from a place which is accessible to public at large and the petitioners came to be implicated based on disclosure made by the local people and *Chowkidar* but then the name of local people is not disclosed in the F.I.R and *Chowkidar* in order to save the real culprits, implicated the innocent petitioners.

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, 3 and 5 in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees



Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah (M) Manuapool P.S. Case No. 24 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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