

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19393 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- GANDHIMAIDAN District- Patna

Deepak Kumar Son Of Late Suraj Prasad @ Suraj Dev Prasad Resident Of
Village - Jeetu Shakha Lane Gali, P.S. - Gandhi Maidan, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 342, 323, 353, 504, 506/34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the informant along with other police officials had gone near PWD quarter in front of Lodipur Police Line Durga Mandir for raid, he saw that some persons were doing nuisance and after seeing the police vehicle they started trying to escape, but one person was caught by the police officials, who disclosed his name as Deepak Kumar, the petitioner. During course of enquiry, smell of liquor was coming from his mouth. Deepak Kumar was freed from



protection of police officials by the accused persons. The accused persons attacked upon the police party, due to which the informant and some police personnel received injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. It is alleged that some people were having liquor when a raid was made. As per the prosecution case, the police had alleged to have apprehended the petitioner, but he was rescued by the other members and he fled away. There is no recovery of liquor in the present case. The petitioner claims that he has no concern with the alleged occurrence. At the time of alleged occurrence, he was at his residence. His name has been given out of village politics as he has stationery shop. Due to business rivalry he has been made accused in the present case.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below/concerned Court in connection with Gandhi Maidan P.S. case No.36 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

