

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18435 of 2023**

Arising Out of PS. Case No.-1041 Year-2022 Thana- KHAGARIA District- Khagaria

Bijay Rajak @ Vijay Kumar Rajak Son Of Late Singheshwar Rajak Resident
Of Village- Sanhauli, Ps- Khagaria (Chitragupta Nagar) , District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mrs.Pronoti Singh, 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 147, 341, 323, 188, 353, 393, 504, 290, 120B of the Indian Penal Code and Sections 37 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that in course of immersion of idol of Durga, in the way some dispute arose between the police administration and the local people with regard to maintain law and order situation and in consequence thereof the local people misbehaved with the administration and also used force. Some of the persons were in drunken state.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against



the petitioner. The petitioner has falsely been implicated in this case. The occurrence is said to have taken place as the idol of Durga was being taken for immersion. It is alleged that some of the people including the petitioner were in drunken state. There is no recovery of liquor from the possession of the petitioner. No breath analyser test was conducted in respect of the petitioner to ascertain whether he was in drunken state.

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 Khagaria (Chitragnpta Nagar) P.S. case No.1041/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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