

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19895 of 2023**

Arising Out of PS. Case No.-78 Year-2022 Thana- MADHWAPUR District- Madhubani

SUNNY KUMAR @ SUNNY KUMAR CHAUDHARY @ GUDDU
CHAUDHARY Son of Ram Naresh Chaudhary @ Ramnaresh Chaudhary
R/V- Basuki Vihari, P.O- Basuki Bihari P.S- Madhwapur Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 17-05-2023 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, 148, 149, 341, 332, 333, 353, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act, Sections 3(i)(r)(s), 3(2)(va) of SC/St Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons including the petitioner, variously armed, assaulted the local Chowkidar due to which he sustained injuries. 4 liters wine is also orecovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. It is alleged that 4 liters wine is recovered from the car in question. The name of the petitioner has transpired on the basis of disclosure made by local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. So far as allegation in respect of offence under Section 307 IPC is concerned, same is general and omnibus in nature. No specific overt act is alleged against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of the Court below/concerned Court in connection with Madhwapur P.S. case No. 78 of 2022, G.R. No. 902 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/

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

