

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19178 of 2022

Arising Out of PS. Case No.-164 Year-2020 Thana- KUTUMBA District- Aurangabad

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Tamanna Hussain, Son of Sabir Khan, Resident of Village Near Zahid Master,
Nawadih P.S. Aurangabad, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the State : Mr. Dr. Kumar Uday Pratap, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 14-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 30(a) of

the Bihar Prohibition and Excise Act and under Sections 279,

337, 338, 353, 307, 326 and 427 read with Section 34 of the

Indian Penal Code and Sections 3/4 of the Prevention of

Damage to Public Property Act.

As per the prosecution case, the driver of the Bolero

vehicle tried to crush over the police personnel and the driver of



the said vehicle fled away. On search, 455 litres of spirit was recovered from the said vehicle and the co-accused made hindrance in discharging official duties.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. He has further submitted that the petitioner was the owner of the said vehicle and the petitioner was not present at the place of occurrence. The said vehicle was being driven by its driver and the petitioner is made accused in this case because he was the owner of the said vehicle. No case of Section 353 is made out against the petitioner. The specific allegation is against the co-accused person. The petitioner has got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the informant sustained grievous injury on non vital part of the body.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount



each to the satisfaction of learned Court concerned, Aurangabad
(Bihar) in connection with Kutumba P.S. Case No. 164 of 2020,
subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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