

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22521 of 2023

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

Vinit Vikram @ Vinit Vikram Deo @ Jimmy, aged about 31 Years (Male), Son
Of Shambhu Deo @ Shambhu Prasad Deo, resident of Village -Sanhahuli
P.S.-Khagaria Chitragupta Nagar, District -Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Khagaria (Chitragupta Nagar) P.S. Case
No. 1041 of 2022 for the offence registered under Sections
147, 341, 323, 188, 290, 353, 504, 506, 120B of the I.P.C.
and Section 37 of the Bihar Prohibition and Excise Act,
2022.

The prosecution story, in brief, is that on
05.10.2022, there was scuffle took place between the police
administration and the accused persons including the
petitioner in respect of immersion of idol of goddess Durga.



The accused persons also misbehaved with the police administration and started threatening by using unparliamentary language. It is also alleged that the accused persons were in drunken state.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that there was scuffle took place in between the police administration and the accused persons including the petitioner in respect of immersion of goddess Durga. In that scuffle took place between the parties, two persons were arrested. The petitioner is said to be the member of unlawful assembly. There is no recovery of any liquor in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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, arising out of SLP (Crl.)
No. 3005 of 2022 (Sweta Kumari-Versus-The 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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Court below/concerned Court, in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 1041 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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