

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21771 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- CHANDAUTI District- Gaya

1. DHARMENDRA KUMAR @ DHARMENDRA CHAUDHARY son of Ashok Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
2. Yogendra Chaudhary @ Yogendra Kumar Choudhary son of Ramdeo Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
3. Mikal Chaudhary son of Ramjee Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
4. Mukesh Kumar @ Mukesh Chaudhary son of Ramdeo Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
5. Pappu Kumar Chaudhary @ Pappu Chaudhary son of Shyamlal Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
6. Lakho Devi wife of Shyamlal Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
7. Savitri Devi @ Sumitra Devi @ Sumtra Devi Wife of Ramdeo Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
8. Satyendra Kumar @ Satyendra Chaudhary son of Suresh Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
9. Sunil Chaudhary @ Sunil Kumar son of Lakshmi Chaudhary @ Laxhmi Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya
10. Neeraj Chaudhary son of Fulchand Chaudhary Village- Niyazipur Ps- Chandauti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and
learned APP for the State.

At the outset, learned counsel for the petitioners
submits that during pendency of this application, the petitioner
No. 1, namely Dharmendra Kumar @ Dharmendra Chaudhary



has been taken into judicial custody.

Accordingly, this application with regard to the petitioner No. 1, namely Dharmendra Kumar @ Dharmendra Chaudhary stands dismissed as infructuous.

The petitioner Nos. 2 to 10 are apprehending their arrest in a case registered under Sections-147, 149, 341, 323, 504, 506, 353 of the Indian Penal Code and Section-30(c)/35 of the Bihar Prohibition and Excise Amendment Act, 2022.

The prosecution case, in short, is that petitioners were found fighting among themselves in drunken state.

It has been submitted on behalf of the petitioner Nos. 2 to 10 that the petitioner Nos. 2 and 4 to 10 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 2 to 10. The petitioner Nos. 2 to 10 were found in drunken state. There is no recovery of liquor in the present case. As per the allegation, it is alleged that some of the people were fighting among themselves in drunken state, as a result of which, the present case has been instituted. No breath analyser test was conducted to prove that the petitioner Nos. 2 to 10 were in drunken state.

On behalf of the State, it is submitted that the petitioner Nos. 2 to 10 are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner Nos. 2 to 10, 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) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Chandauti P.S. Case No. 21 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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