

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25132 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Raju Kumar Ray @ Raju Kumar Son Of Devendra Ray Resident Of Village-
Nauwa Chawk Bhagwanpur, Ps- Sarairanjan, Distt- Samsatipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a), 32(i)(ii), 45, 62 of the Bihar Prohibition and Excise Act, 2016 and Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, and 471 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution case, in short, is that on secret information when the police party reached the place of occurrence, the accused persons were involved in unloading the wine from the vehicles and on seeing the police, the accused persons started firing upon the police party. 1337.865 liters wine is also recovered.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 1337.865 liters wine and one country made pistol are recovered. The name of the petitioner has transpired on the basis of disclosure made by the co-accused. There was a scuffle between the local residents and the police party on the arrest of co-accused. Subsequently, in course of investigation, the name of the petitioner has transpired as being member of unlawful assembly. No specific overt act is alleged against the petitioner. General and omnibus allegation has been made against the petitioner so far as allegation under Section 307 IPC is concerned. 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. 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 Sarairanjan P.S. case No. 365 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/Nitin

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