

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24145 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Balister Yadav Son Of Late Beera Yadav R/O Village- Golaghat Dumari, P.S.- Yogapatti, District- West Champaran
2. Sunita Kumari @ Soni Devi D/O Late Gorakh Yadav R/O Village- Golaghat Dumari, P.S.- Yogapatti, District- West Champaran
3. Antima Kumari @ Antima Devi D/O Late Gorakh Yadav R/O Village- Golaghat Dumari, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 323, 342, 353, 413, 414, 504, 272 and 273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that accused persons forming an unlawful assembly tried to get the accused persons released from the police custody. 5 liters wine is also said to have been recovered.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 5 liters wine is recovered from the motorcycle. The motorcycle in question does not belong to the petitioners. The names of the petitioners have transpired as being members of the unlawful assembly who have tried to get the accused persons released from the custody of police. No specific overt act is alleged against the petitioners. General and omnibus allegation has been made against the petitioners. There is no recovery of liquor from the possession of the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners 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 petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances,



let the petitioners, 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 Yogapati P.S. case No. 45 of 2023, 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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