

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35954 of 2023

Arising Out of PS. Case No.-838 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. VEENA DEVI Wife of Hardeo Ram Resident of Village - Bahilwara Govind, P.S.- Saraiya, District - Muzaffarpur.
2. Chinta Devi Wife of Rajgir Ram Resident of Village - Bahilwara Govind, P.S.- Saraiya, District - Muzaffarpur.
3. Virendra Ram @ Virendra Kumar Son of Hardeo Ram Resident of Village - Bahilwara Govind, P.S.- Saraiya, District - Muzaffarpur.
4. Rajgir Ram Son of Hardeo Ram Resident of Village - Bahilwara Govind, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehends arrest in connection with Saraiya P.S. Case No. 838 of 2022 dated 11.11.2022, instituted for the offence punishable under Sections 341, 323, 325, 307, 379, 354 (B), 504, 506 and 34 of the Indian Penal Code and under Section 37 (C) of Bihar Prohibition and Excise Act.

3. The prosecution case, in brief, is that on 11.11.2022 at about 07:30 pm, petitioner nos. 3 and 4 were taking away



informant's hand pump but they fled away when the informant objected. It is further alleged that when the informant went to petitioner's father to complain, then petitioner nos. 1 and 2 along with other co-accused assaulted him and his wife, who came to rescue the informant. Allegation of sell of illicit liquor has also been made against the accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that nothing incriminating has been recovered either from the possession or from the house of the petitioner. It is also submitted that both the parties are co-villager and next door neighbours and some dispute arose between the parties due to removing of hand pump. There is no mention of the injury of the informant and his family members in the impugned order. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest/surrender of the petitioners in connection with Saraiya P.S. Case No. 838 of 2022, they shall be released



on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-
(ten thousand) each with two sureties of the like amount each to
the satisfaction of the learned Exclusive Special Judge Excise,
Court No.-II, Muzaffarpur, subject to condition as laid down
under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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