

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40665 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- DESARI District- Vaishali

Bharat Singh S/O Ramlochan Singh R/O Village- Chakbhairo, PS. Jandaha,
Dist.Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in the present case is seeking pre-arrest bail in connection with Desari (Sahdeai OP) P.S. Case No. 117 of 2023 registered for the offences under Sections 341, 323, 379, 384, 504, 506, 34 of the Indian Penal Code and Section 50(C)(D) of Bihar Prohibition and Excise Amendment Act, 2018. He has no criminal antecedent.

3. As per the prosecution story, on 03.04.2023 S.I. Abhishek Kumar Tripathi has alleged in his written statement that on 29.03.2023 at around 10:00 P.M. an ALTF team under S.I. Muneshwar Singh, Homeguard 2687 Bharat Singh (this petitioner), Homeguard 291317 Pramod Jha and Homeguard 290273 Thakur Sujeet Kumar have apprehended Ayodhya Singh from village Pohiyaar Sona Chimney and on search of dikki of



motorcycle bearing Registration No. BR31AG0638 a total of three litre India made foreign liquor was recovered. Thereafter, the son of Ayodhya Singh was called to bring Rs.5,00,000/- but when he came with only Rs.50,000/- he was also implicated in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the fact that this petitioner was the member of the police party who is said to have arrested one Ayodhya Singh on the charge of carrying three litres of liquor, made him to call his son Vikash Kumar with money for his release and when his son came, a sum of Rs.35,000/- was received from him by the police personnel, the matter has been inquired into by the Sub-Divisional Police Officer, Mahnar and only after finding the allegations true against the petitioner, he has been made accused in this case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. His prayer is refused.

8. In case, the petitioner surrenders and prays for



regular bail in the learned court below, his prayer shall be considered on its own merit without being prejudiced by the order of this Court.

9. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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