

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40011 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- SURYAGARHA District- Lakhisarai

SURAJ KUMAR @ SURAJ PATEL S/O KALLU MAHTO @ SUBHASH
MAHTO R/O- PATELPUR, PS. SURAJGARHA, DIST. LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 353, 337, 338, 307/34 of the Indian Penal Code and Section 37 (b) (c) of the Bihar Prohibition and Excise Act, 2018.

3. The prosecution case, in brief, is that the informant received informant that brick batting is being done between the members of two groups. When he along with other officials reached on the spot and tried to restrain them, all the accused persons started assaulting the police party due to which police officials sustained injuries. Two persons were apprehended on the spot in drunken position and disclosed the name of the petitioner.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern with any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He is only a member of the mob. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending/successor Court in connection
with Surajgarha P.S. Case No. 73 of 2023, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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