

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47222 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

1. Bechan Chaudhary S/O Rajendra Chaudhary R/O Village- Karwandiya, P.S- Sasaram (M), Distt.- Rohtas.
2. Bhulendra Chaudhary @ Dhulendra Chaudhary @ Phulendra Chaudhary S/O Sri Bhagwan Chaudhary @ Bhagvan Chaudhari R/O Village- Karwandiya, P.S- Sasaram (M), Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State

2. The petitioners seeks bail in connection with Sasaram (M) P.S. Case No. 237 of 2023 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 333 and 353 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act.

3. The accused/petitioners are named in the F.I.R. and are in custody since 24.05.2023.

4. The allegation against the petitioners is to made an attempt to commit the murder of informant and others alongwith 10-15 unknown co-accused persons, who are none but police personnels, while they were raiding the house of petitioner no.1



Bechan Chaudhary, on the basis of secret information as people are engaged in illegal trading/manufacturing of illicit liquor, which is prohibited in the State.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner. It is also submitted that entire implication is based on suspicion as raised over secret information, where nothing appears incriminating during the course of investigation in support of the allegation as raised. It is pointed out that narration of F.I.R. is not suggesting that act of petitioners were of such nature, which can be said an attempt to commit murder and rather it appears that on the basis of presumption as death might cause out of pelting stones, the implication of petitioners were made under Section 307 of the Indian Penal Code. It is also submitted that as far allegation to deter police officials are concerned, same is appearing very much general and omnibus against these petitioners. While concluding the argument, it is submitted that petitioners are men of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.



7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation to deter raiding party from discharging official functions and pelting stones, which appears basis of implication under Section 307 of the Indian Penal Code are appearing very much general and omnibus against these petitioners, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 24.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Sasaram (M) P.S. Case No. 237 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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