

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48496 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- HUSSAINGANJ District- Siwan

RADHESHYAM SINGH S/O LATE JAGNARAYAN SINGH @
JAGARNATH SINGH R/O VILLAGE- HASANPURWA TOLA RAMPUR,
PS. HUSSAINGANJ, DISTT. SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-08-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Hussainganj P.S. Case No.86 of 2023, registered for offences under Sections 341, 323, 325, 353, 225, 504 and 34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding police, having lodged the present case on the allegation that the main accused person, namely, Rajesh Singh @ Tun Tun Singh was carrying illicit liquor on his motorcycle, whereupon the police had apprehended him and recovered the illicit liquor, however, at that moment of time the petitioner and other accused persons had arrived there, whereafter the petitioner had assaulted the



informant on his right hand by lathi, resulting in him, sustaining serious injuries and then they had managed to free the main accused person, namely, Rajesh Singh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the injuries, sustained by the informant is not serious in nature and the same can be verified by the learned trial Court and subject to verification of the same, the petitioner be granted the privilege of anticipatory bail. It is also submitted that admittedly no illicit liquor is either alleged to have been recovered from the petitioner nor he is alleged to have been involved in the business of illicit liquor, hence no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that admittedly the petitioner has not



been implicated for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, but he has been alleged to have assaulted the informant on his right hand by lathi, resulting in him sustaining grievous injuries, nonetheless, the same has been refuted by the learned counsel for the petitioner and it is stated that the injury sustained by the informant is simple in nature, hence though I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail however, subject to verification by the learned Court of Exclusive Special Judge Excise, Court No.1, Siwan, in connection with Hussainganj P.S. Case No.86 of 2023, as to whether the injuries, sustained by the informant is simple in nature or not and further subject to imposition of such condition as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail to the petitioner herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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