

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53465 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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1. Munna Kumar @ Munna Chaudhary Son Of Shivnath Chaudhary R/O-
Raghunathpur Jagdish, P.S.-MUSHARI, Distt.-MUZAFFARPUR
 2. Mithlesh Chaudhary Son Of Shivnath Chaudhary R/O-Raghunathpur
Jagdish, P.S.-MUSHARI, Distt.-MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-08-2023 Heard Ld. counsel for the petitioners and the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bela P.S. Case No. 49 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 353, 504, 506 and 427 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is that on 25.05.2023 at about 09:30 A.M. the police got a secret information of illegal trade of wine in a betelnut shop near Pasi Chowk. It is further alleged that when police reached, 25-30 unknown persons armed with lathi, stick and iron rod came there and started abusing and quarreling with the police party



due to which two police personnel got injured and they also damaged the police vehicle.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that in fact Police in large numbers visited petitioner's betel nut shop alleging that he is selling wine. However, Police could not find any liquor from his shop but they beat him and his father and his father was even forcibly taken by the Police to the Police Station and Police has lodged this false case to harass the petitioners. He also submits that even as per the FIR there is no recovery of any liquor from his shop and Police has made false allegation that they have got injury from the people who were gathered there. He further submits that the case of the Police is non-believable in view of the fact that they were large in number with arms.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court No. -11 of Ld. Judicial Magistrate, 1st Class (East), Muzaffarpur, in connection with Bela P.S. Case No. 49 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

9. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period



of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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