

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53980 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Lalu Manjhi S/O- Ram Kumar Manjhi Village- Mehiya Ps- Muffasil Dist- Saran
2. Raju Manjhi son of Ram Kumar Manjhi Village- Mehiya Ps- Muffasil Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioners seek bail, apprehending their arrest, in connection with Chapra muffasil P.S. Case no. 400 of 2023, registered for the offences punishable under Sections 147, 149, 353, 323, 325, 332 of the Indian Penal Code and 45 of the Bihar Prohibition and Excise Act.

3. As per allegation, on information that all the accused persons including the petitioners are selling liquor, the police raided the house of the petitioner. The mob started abusing the police personnel and pelting stones, as a result police personnel sustained injuries.



4. Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that as per FIR, nothing has been recovered from the possession of the petitioners, hence, no case under the provisions of Excise Act is made out against the petitioners. Allegation of abusing and assaulting the police personnel is against the mob and not specific against the petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioners have no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. In view of the aforesaid facts and circumstances no case *prima facie* is made out against the petitioners for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released 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) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge-Iind-cum-1st Exclusive Special Judge, Excise, Chapra, Saran, in connection with Chapra mufasil P.S. Case no. 400 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 antecedent, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed his criminal antecedent despite his 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, the learned court below shall cancel the bail bond of the petitioners.

(iii) In case, the petitioners repeat offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. Learned counsel for the petitioners is directed to



remove all the defects 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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