

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60133 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- AKHODHIGOLA District- Rohtas

SURAJDEO RAM @ BABUA @ SURA CHAUDHARY S/O- LATE
CHHOTELAL RAM @ CHHOTELAL CHAUDHARY R/O- VILLAGE-
BARADHI MUSAI TOLA, P.S.- AKORHIGOLA, DIST.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar,

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Akorhigola P.S. Case No.87 of 2023 registered for the offence
under Sections 147, 148, 149, 332, 333, 341, 323, 324, 325,
307, 353 and 504 of the Indian Penal Code and Sections 30(a)
and 45 of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 28.04.2023.

4. The allegation against the petitioner is to
pelting stone upon police/raiding parties, causing injury to
police parties and damaging police vehicle along with 18 named
co-accused persons and other unknown co-accused persons,



while police parties, raided village to recover illicit liquor on secret information, where, there is recovery of 40 litres of illicit liquor was made.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation of pelting stone is appearing very much general and omnibus against this petitioner, where, name of the petitioner was surfaced, during course of investigation, out of suspicion, given by local '*Chaukidar*'. It is submitted that save and except confession being a co-villager, nothing appears incriminating against this petitioner. It is also submitted that the alleged recovery of illicit liquor was not made from physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation against this petitioner, who is not named in FIR and man of clean antecedent, is very much general and omnibus coupled



with the fact that charge-sheet has already submitted, where, petitioner is in custody since 28.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Akorhigola P.S. Case No.87 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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