

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66139 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- BITHAN BAZAR District- Samastipur

1. Subhash Yadav @ Subhash Kumar S/O Shankar Yadav Resident Of Village- Navatoliya, Parkoliya, P.S.- Bithan, District- Samastipur.
2. Shankar Yadav S/O Rambahadur Yadav Resident Of Village- Navatoliya, Parkoliya, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarita Devi W/O Chandan Sada Resident Of Village- Parkoliya, P.S.- Bithan, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 323, 324, 354, 504, 341, 506/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, the petitioners were hiding foreign liquor in the pit situated behind the house of the



informant. On being objected, the petitioners started abusing the informant by calling her cast name. Then, the petitioner Subhash Yadav assaulted on the head of the informant with spade with intent to kill and due to which her head was ruptured and the petitioners also tore her blouse and dragged by holding her hair. On information, the police searched and recovered 17.07 litres foreign liquor from the aforesaid place.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. As per the injury report of the injured, the injury is simple in nature. No case under SC/ST Act is made out against the petitioners. He has further submitted that the recovery is not made from the conscious possession of the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court



concerned, Samastipur in connection with Bithan P.S. Case No. 125 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

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