

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74313 of 2022**

Arising Out of PS. Case No.-393 Year-2022 Thana- MAJHAULIA District- West Champaran

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1. RAMAKANT KUMAR @ RAMAKANT SAHNI, Male, aged about 26 years, S/o Dashrath Sahni, R/v- Karamwa, P.S.- Majhauriya, District- West Champaran.
2. NANDU SAHNI, Male, aged about 50 years, S/o Ramchandra Sahni, R/v- Karamwa, P.S.- Majhauriya, District- West Champaran.
3. SANDESH SAHNI, Male, aged about 32 years, S/o Late Nandu Sahni, R/v- Karamwa, P.S.- Majhauriya, District- West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

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| For the Petitioners    | : | Mr. Anil Kumar, Advocate        |
| For the Opposite Party | : | Mrs. Suman Kumari Singh, A.P.P. |

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      20-04-2023                      Heard learned counsel for the petitioners and  
  
learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Majhauriya P.S. Case No. 393 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 353, 186, 332, 333, 504, 506, 427, 337 of the I.P.C. and Section 45 of the Bihar Prohibition



and Excise Act, 2016.

The prosecution story, in brief, is that on 01.06.2022, when the informant alongwith other police personnels went to raid against illegal liquor business on the poultry farm of Ramakant Kumar (petitioner no. 1), a mob of 100-150 people came armed with Lathi and Dada and started abusing and assaulting them, due to which, some of the police personnels sustained injuries and they also damaged the government vehicle.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1 and 2 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that the petitioners used criminal force against the police to deter them from discharge of their duties. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of disclosure made by the local Choukidar. The petitioners are said to be the members of unlawful assembly. They have been made



accused in the present case due to mistake of fact. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Exclusive



Special Excise, Bettiah, West Champaran, in connection with Majhauriya P.S. Case No. 393 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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