

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75284 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Ramashish Kumar, aged about 45 years, Gender- Male, S/O Maheshwar Das @ Bhola Das
2. Maheshwar Das @ Bhola Das, aged about 60 Years, Gender-Male,
3. Dinesh Das, aged about 47 Years, Gender- Male,
Both Sons of Dhobi Ram, all resident of Village- Badopur (Badipiur), P.S. Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Pramendra Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Parmanand Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Rafiganj P.S. Case No. 214 of 2023 registered for the offence punishable under Sections 147, 149, 341, 323, 353, 186, 354, 504 of the Indian Penal Code and Section 45 of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, the petitioners along with twenty unknown persons had misbehaved with a lady police officer and constable in course of search of



the *Gumti* of the petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners had earlier lodged an FIR against the excise officials, who were member of the raiding team and had assaulted the petitioner no. 1, who had sustained grievous injury and was treated at Anugrah Narayan Medical College and Hospital, Gaya. As the petitioner no. 1 had lodged the said FIR against the excise officials, to teach a lesson to the petitioners and their family members, a false case has been lodged that the petitioners had misbehaved with the lady police officer and had obstructed in carrying on their official duty while they were trying raid the *Gumti* of the petitioners. Learned counsel further submitted that in course of search, no illicit liquor was recovered from the *Gumti* of the petitioners. Petitioners have clean antecedent. Learned counsel submitted that he has specifically made a statement in paragraph no. 7 to the bail application that allegations/ accusations are absolutely false and fabricated. No such alleged occurrence took place. The entire exercise is retribution and revenge on account of an earlier FIR lodged by the petitioners. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Having considered the rival submission made on behalf of the parties, as well as, having perused the FIR, from the allegation made in the FIR it appears that the same is general and omnibus. Petitioners have made a specific statement in paragraph no. 7 that to take revenge on account of an earlier FIR lodged against the excise officials and some of the police officers, just to teach a lesson to the petitioners, petitioners have been dragged in a false case. Evidently, from perusal of the FIR it appears that there is no allegation that the petitioners were involved in illicit trade of liquor. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Aurangabad, in connection with Rafiganj P.S. Case No. 214 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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