

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1409 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- KANTI District- Muzaffarpur

1. RAMESH RAI S/o Ramashish Ray R/v- Madhuban, P.S.- Kanti, District- Muzaffarpur
2. UMESH RAI @ UMESHI RAI @ KAILU RAI S/o Ramashish Ray R/v- Madhuban, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in connection with Kanti P.S. case no.381 of 2022, registered for the offences punishable u/s 353, 332, 333 of IPC and 30A, 37 of Bihar Prohibition and Excise Act.

The prosecution story in short is that, the police got secret information that one Sunil Rai and his associates are indulged in illicit liquor party at his house. On information, the police force reached the place of occurrence and saw 2-3 persons were drinking liquor. It is alleged that the petitioners and other co-accused persons attacked the police party to release the arrested accused persons and in the meantime, Sunil Rai and Manish Rai



were rescued by the petitioners. It is further alleged that police has recovered 360 ml of illicit foreign liquor from the place of occurrence.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern with seized liquor and the alleged occurrence. They have been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot and their name transpired in the case only on the basis of secret information and suspicion. He further submits that the petitioners were not present at the place of occurrence. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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