

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13192 of 2024

Arising Out of PS. Case No.-232 Year-2022 Thana- GOGRI District- Khagaria

Deepak Kumar @ Deepak Chaudhary Son of Prakash Choudhary Resident of
Mohalla - Lakshminagar Hat, P.S. - Gogari, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Pd,

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-06-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Gogari P.S. Case No. 232 of 2022, G.R. No.
2577/2022 registered for the offences punishable under Sections
147, 149, 341, 323, 307, 353, 427 and 506 of the Indian Penal
Code.

3. As per prosecution case, there is alleged
recovery of 10 litre illicit liquor from the house of co-accused,
Prakash Chuaduhary. It is further alleged that people is said to
have attacked the raiding party in which driver Munna Kumar
and Sub-inspector Umesh Kumar Ray sustained injury. It is
further alleged that glass of Scorpio has been broken and FIR
has been lodged against 11 known persons including petitioner



and 30-35 unknown persons.

4. Learned counsel for the petitioner submits that regarding alleged occurrence two cases have been filed one case has been lodged as Excise P.S. Case No. 170/2022 registered under Section 30(a) and 45 of Bihar Prohibition and Excise Act against co-accused Prakash Chaudhary and second case has been filed against petitioner and other. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner. On the basis of CCTV footage, the villager has identified the petitioner but it has not been divulged as to who has disclosed the name of the petitioner. Learned counsel further submits that occurrence took place on 10.09.2022 and information was given on 12.09.2022 at 15.10 which casts doubt on the prosecution story. However, petitioner bears no criminal antecedent and he has falsely been implicated in this case without any basis. He further submits that alleged injury is simple in nature. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner. He further submits that co-accused, Kusho Chaudhary, has already been granted anticipatory bail by this Court vide Cr. Misc. No. 17679 of 2024 and the case of present petitioner stands more or less on similar footing.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that case of petitioner is totally different from the co-accused Kusho Chaudhary as Kusho Chaudhary name is not mentioned in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 232 of 2022, G.R. No. 2577/2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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