

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14987 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- NADI District- Supaul

1. Parvati @ Parvati Kumari @ Parvati Devi Wife of Shri Sunil Kumar Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452
2. Ghuran Kamat @ Ghuran Kumat Son of Late Mohan Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452
3. Suman Kumar @ Suman Kamat Son of Shri Ramu Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452
4. Sanjha Devi Wife of Shri Anil Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452
5. Hira Devi Wife of Shri Guran Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452
6. Alodhan Devi Wife of Shri Ramu Kamat Resident of Village- Lalmania, Ward No. 12, P.S.- Supaul Nadi P.S, District- Supaul, Bihar-847452

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Supaul Nadi P.S. Case No. 105 of 2023, F.I.R. dated 27.10.2023, registered for the offences punishable under Sections 147, 148, 149, 353, 341, 323, 332, 333, 307, 337, 427, 504, 506 and 34 of the Indian Penal Code read with Section 45

of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, informant got information that some co-accused persons are selling illicit liquor in their house. All of a sudden, informant along with police party reached their and started searching. In the meantime, petitioners along with family members of the co-accused came with *lathi*, *danda* and stones and started assaulting the informant and police party, as a result, they all sustained injury.

4. Learned counsel for the petitioner submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from the perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and nothing has recovered from the house of the petitioners, so no case is made out under the Excise Act.

5. Learned A.P.P. for the State on the other hand opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there

is no specific allegation of any assault or overt act attributed against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No. 1, Supaul, where the case is pending in connection with Supaul Nadi P.S. Case No. 105 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at

any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court 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.

(Rajesh Kumar Verma, J)

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