

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17679 of 2024

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

KUSHO CHAUDHARY S/O- LATE RAMJEE CHAUDHARY R/O- GOGRI
WARD NO.- 15 LAXMI NAGAR HAT, P.S.- GOGRI, DIST.- KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-04-2024 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 Gogri P.S. Case No. 232 of 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 and 30-35 unknown
persons.



4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case and 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. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation against the petitioner and alleged injury is simple in nature. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Gogri P.S. Case No. 232 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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