

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24948 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- BASOPATTI District- Madhubani

1. Surendra Kumar Sah @ Surendra Sah S/o Shivnath Sah Resident of Village Phet, P.S. Basopatti, Dist.- Madhubani
2. Ayush Bhaskar @ Ayush Mandal S/o Sanjay Mandal Resident of Village Phet, P.S. Basopatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Basopatti P.S. Case No.149 of 2023, registered for the offences punishable under Sections 323/341/ 324 /307 /504 /506 /34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against seven accused persons including the present petitioners with allegation of assault to the informant. Specific allegation is upon Raju Mahto to fire on the informant by his pistol thrice, due to which bleeding started and he fell down. When the villagers gathered all accused persons fled away. The reason



assigned in the FIR is that all the accused persons collectively used to do the business of selling liquor which was opposed by the informant and it is due to this reason the present occurrence has been caused.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the content of the FIR it becomes crystal clear that there is no act and overt-act against the petitioners save and except that they are alleged to be the member of the mob. Counsel submits that it is true that antecedents of the petitioners are not clean but it is also true that they are not accused in any of the case relating to excise matter. Counsel submits that in the facts and circumstances the petitioners deserve anticipatory bail.

5. Learned counsel for the State, on the other hand, opposes the prayer for anticipatory bail and submits that the cause of dispute has been alleged that is to oppose the selling of wine.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioners, the prayer for regular bail shall be considered without being prejudiced by the order of this



Court and the trial Court is directed to pass order on its own merit.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

