

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26928 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- LAKHNAUR District- Madhubani

1. Surendera Kumar Singh @ Surendra Singh, Male, aged about 41 years, Son of Late Fulegan Singh, Resident of Village- Daiya Kharbar, P.S.- Lakhnaur, District- Madhubani.
2. Mahesh Singh, Male, aged about 41 years, Son of Jagat Singh, Resident of Village- Daiya Kharbar, P.S.- Lakhnaur, District- Madhubani.
3. Rohan Singh, Male, aged about 20 years, Son of Ramkumar Singh, Resident of Village- Daiya Kharbar, P.S.- Lakhnaur, District- Madhubani.
4. Shivam Singh @ Shivam Kumar, Male, aged about 20 years, Son of Prem Singh, Resident of Village- Daiya Kharbar, P.S.- Lakhnaur, District- Madhubani.
5. Mukesh Singh @ Mukesh Kumar, Male, aged about 36 years, Son of Late Ganga Sagar Singh, Resident of Village- Daiya Kharbar, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Jitendra Bharti, Advocate
For the Opposite Party : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 12-07-2024 Vide order dated 12.06.2024, the prayer for anticipatory bail of the petitioner no. 1, Surendra Kumar Singh @ Surendra Singh has already been dismissed as withdrawn.

2. Heard learned counsel for the petitioner nos. 2 to 5 and learned A.P.P. for the State.



3. The petitioner nos. 2 to 5 are apprehending their arrest in connection with Lakhnaur P.S. Case No. 271 of 2023 dated 19.12.2023 corresponding to G.R. No. 911 of 2023 for the offences punishable under Sections 272, 273, 147, 148, 149, 189, 224, 225, 323, 324, 332, 333, 353, 427, 504, 506 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4. As per the prosecution case, on secret information, it has come to the notice of police that the co-accused person, Ram Singh and his younger brother the co-accused Kanhaiya Singh kept illegal liquor in their land under paddy straw. When police reached at the place of occurrence then the co-accused persons started to flee away but they were apprehended by police personnel. On search, 108 litres of illicit Nepali liquor was recovered, in the meantime, the accused persons alongwith the petitioners came with weapons and got the co-accused, Ram Singh and Kanhaiya Singh freed from the custody of police. They also caused hindrance in discharge of official duties of police personnel.

5. Learned counsel for the petitioner nos. 2 to 5 has submitted that they are innocent and have falsely been implicated in the present case. It is submitted that there is



general and omnibus allegation against them. There is no injury report on the record. There is nothing on record to suggest their involvement in the present case. Nothing has been recovered from their possession. There is no compliance of Section 100(6) of the Cr.P.C. The other co-accused person Mohan Singh @ Mohan Kumar Singh has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 16329 of 2024 under order dated 13.03.2024. The petitioner nos. 2 to 5 have clean antecedent as stated in paragraph no. 3 of the bail application.

6.Learned A.P.P. for the State has opposed the prayer for anticipatory bail petition of the petitioner nos. 2 to 5.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner nos. 2 to 5 (except petitioner no. 1), in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 271 of 2023, corresponding to G.R. No. 911 of 2023 subject to conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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