

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42525 of 2024

Arising Out of PS. Case No.-349 Year-2019 Thana- JOKIHAT District- Araria

Jagan @ Jagan Choudhary, Gender- Male, aged about 46 years, son of Kartik Choudhary @ Kantik Lal, resident of Village- Khekharmani, P.S- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Jokihat PS Case No.349 of 2019 dated 09.09.2019, instituted under Sections 272, 273, 341, 323, 307,504, 506/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner on the alleged date of occurrence he along with others was seen standing near a bridge and co-accused Shahid was giving ESKUF cough syrup to the petitioner and others. When the informant, who is a Chaukidar, along with Gram Raksha Dal tried to apprehend the accused persons, they fled away after assaulting them. Accused Azad is said to have assaulted the informant on his head by means of bamboo.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is also submitted that the petitioner was not arrested at the spot. Nothing has been recovered from the conscious possession of the petitioner which is apparent from the production cum seizure list. From the production cum seizure list, it will appear that only four bottles of ESKUF cough syrup each of 100 ML were recovered. Lastly, it is submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ cum Special Judge, Excise-2nd, Araria, in Jokihat PS Case No.349 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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