

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47997 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- BARH District- Patna

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1. Bablu Singh @ Bablu Kumar Singh @ Bablu Kumar Son of Late Sachidanand Singh Resident of Vill- Dahaur, P.S.- Barh, District- Patna
 2. Dilip Singh Son of Late Sachidanand Singh Resident of Vill- Dahaur, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Barh P.S. Case No.418 of 2023, registered for the offences punishable under Section 37 of the Bihar Prohibition and Excise Act, 2016, under Sections 504/506/307 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners against whom there is allegation that they have gathered in connivance with each other at the *Dalan* of the informant and started drinking liquor, whereupon the informant



told them not to do so, then the accused persons including the petitioners started abusing the informant. When the informant opposed then they started firing upon the informant. Two persons were arrested and rest were fled away including the petitioners.

4. Learned Counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that informant and petitioners are nephew. Learned Counsel further submits that due to family dispute the present case has been lodged. He submits that the antecedent of the petitioners are not clean but they are on bail. Learned Counsel submits that petitioner No.1 is working outside the state but this pleading has nowhere mentioned in the bail application. As such, this Court cannot consider this pleading at all.

5. Learned Additional Public Prosecutor appearing on behalf of the State opposes the prayer for anticipatory bail and submits that allegation is there against the accused persons of taking wine in which anticipatory bail is not permissible. He further submits that antecedents of the petitioners are not clean. Petitioner No.1 has one antecedent and petitioner No.2 has four criminal antecedents.

6. In this background, 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.

(Dr. Anshuman, J)

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