

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46376 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- DIGHWARA District- Saran

1. RAJESH RAY @ RAJESH KUMAR SON OF LATE RAGHUNATH RAY
RESIDENT OF VILLAGE - SHITALPUR, P.S. - DIGHWARA, DISTRICT
- SARAN
2. RAKESH RAY@RAKESH KUMAR RAY SON OF LATE RAGHUNATH
RAY RESIDENT OF VILLAGE - SHITALPUR, P.S. - DIGHWARA,
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47331 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- DIGHWARA District- Saran

Nanhak Kumar @ Rajnikant Kumar SON OF RAJESH RAY @ RAJESH
KUMAR RAY VILLAGE- SHITALPUR, PS- DIGHWARA, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 46376 of 2024)
For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram
(In CRIMINAL MISCELLANEOUS No. 47331 of 2024)
For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 207-08-20241. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Dighwara Police Station Case No. 105 of 2024,



disclosing offences punishable under Sections 341/323/324/307/353/504/506/34 of the Indian Penal Code and Sections 30(a)/45 of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report lodged by A.S.I Kumari Seema of Dighwara Police Station, is that at about 11:40 PM on 11.04.2024, she, along with police force, on secret information, reached Shitalpur Bazar, where she saw three persons who were trying to fleeing away from a white-coloured Bolero vehicle , they were apprehended, who disclosed their name as Anil Kumar, Amarjeet Kumar and Kamal Goswami. The police searched the vehicle and recovered 86.4 litres of illicit liquor. The arrested co-accused persons further disclosed that his associates are half a kilometer away on Scorpio vehicle containing illicit liquor. On this information the informant went and saw that one Scorpio vehicle was being parked and the informant noticed the illicit liquor kept inside the vehicle. The said vehicle was locked. It has further been alleged that all the accused persons including the petitioners prevented the police from taking away the vehicles and



arrested co-accused persons and also pelted stones upon them and due to the assault the police force sustained injury. The co-accused persons also took away with them the vehicles seized by them.

4. Learned Counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are neither the owner nor the drivers of the vehicles in which illicit liquor was found. He further submits that no incriminating material has been recovered either from the possession of the petitioners or vehicle/premises belonging to them. He next submits that there is no specific allegation against the petitioners for pelting stones upon the police party and their names have been disclosed by the arrested co-accused persons and the chowkidar.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioners were indulged in pelting stones upon the police party causing injuries to them and there were also instrumental in taking away the vehicles seized by the police containing illicit liquor, I am not inclined to grant



the petitioners privilege of anticipatory bail.

- 6. These applications are, accordingly, dismissed.
- 7. However, if the petitioners surrender and file an application for grant of regular bail, the learned District Court will decide the same without being prejudiced by the rejection of the anticipatory bail application of the petitioner, if possible, on the same day.

(Anil Kumar Sinha, J.)

R.R Sinha/-

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