

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59679 of 2023**

Arising Out of PS. Case No.-357 Year-2023 Thana- MAHUA District- Vaishali

1. Sonu Kumar Son Of Dilip Singh Resident Of Village - Akhtiyarpur, P.S. - Mahua, District - Vaishali At Hajipur
2. Pankaj Singh @ Pankaj Kumar Son Of Raghuraj Singh Resident Of Village - Akhtiyarpur, P.S. - Mahua, District - Vaishali at Hajipur
3. Nikhil Singh @ Nikhil Kumar Son Of Dilip Singh, Resident of Village - Akhtiyarpur, P.S. - Mahua, District - Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate  
For the Opposite Party/s : Ms.Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      27-02-2024                      Heard Mr. Radha Mohan Singh, learned counsel appearing on behalf of the petitioners and Ms. Asha Kumari, learned APP for the State.

2. At the very outset, learned counsel appearing on behalf of the petitioner informs this Court that the application with respect to petitioner no.2 (Pankaj Singh @ Pankaj Kumar), has already been withdrawn, vide order dated 07.10.2023.

So far as petitioner nos.1 (Sonu Kumar) and 3 (Nikhil Singh @ Nikhil Kumar) are concerned, they seek pre-arrest bail in connection with Mahua P.S.Case No.357 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341,



323, 332, 333, 307, 353, 379, 504 & 506 of the Indian Penal Code and Section 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

3. As per the allegation made in the FIR, while the police team was raiding the *Kirana* shop of Shree Ram Singh, 750 ml. foreign liquor was seized. The police tried to arrest the accused Shree Ram Singh but the mob attacked the police force. The specific allegation against the petitioners is that on the order of Shree Ram Singh, the petitioners have allegedly attacked the police force and they have been roped in the present FIR.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they were not engaged in any manner to obstruct the police force or had assaulted any member of the police force. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submitted that the petitioners' complicity in sale of the illicit liquor can not be ruled out, as is evident from the statement of the main accused Shree Ram Singh recorded before the police



that the petitioners are his associates.

6. Having considered the rival submissions made on behalf of the parties, it appears that the petitioners were found to be present on the spot. The materials collected against them in course of investigation reveals only that the petitioners were present on the spot without disclosing the fact that the petitioners have either assaulted the police force or they are involved in the sale of illicit liquor. The petitioners have clean antecedent. I find that the petitioners have made *prima facie* a case to be released on pre-arrest bail, the petitioner nos.1 (Sonu Kumar) and 3 (Nikhil Singh @ Nikhil Kumar) are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court (II) cum Additional District & Sessions Judge, Vaishali at Hajipur/concerned court, in connection with Mahua P.S. Case No.357 of 2023 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners



are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

**(Purnendu Singh, J)**

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