

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64575 of 2024

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

Nabi Hasan Son of sadir Resident of Village- Farsadangi, P.S. Jokihat,
District- 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. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. The prosecution case, in short, is that on the alleged date and time of occurrence, the petitioner 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. Co-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 he has been falsely implicated in this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioner or from his house. From perusal of the F.I.R., it is apparent that there is no allegation against the petitioner. Co-accused Azad is said to have assaulted the informant on his head by means of bamboo. Learned counsel for the petitioner further submits that from the production cum seizure list, it is apparent that only four bottles of ESKUF cough syrup each of 100 ml were recovered. Similarly situated co-accused, namely, Jagan @ Jagan Choudhary has been granted bail vide order dated 20.07.2024 passed by this Court in Criminal Miscellaneous No. 42525 of 2024. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Jokihat P.S. Case No. 349 of 2019, he will 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 Additional District Judge cum
Special Judge Excise-II, Araria, subject to condition as laid down
under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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