

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77050 of 2023

Arising Out of PS. Case No.-390 Year-2023 Thana- BIHTA District- Patna

Tota Rai Son Of Late Nathura Rai Resident Of Village- Musepur, P.S.- Bihta,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any,
within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Bihta P.S Case No. 390 of 2023 dated
24.04.2023 registered for the offence punishable u/ss 147,
148, 149, 341, 323, 325, 307, 353, 332, 333, 224, 225 and
427 of the Indian Penal Code.

4. As per the prosecution case, on 23.04.2023
during patrolling, the excise police found some persons



creating nuisance in the intoxicated condition out of whom the petitioner was apprehended and when the preparation for breath analyzer examination was being made then 50-60 persons holding lathi, danda, bricks and stones etc surrounded the excise police and assaulted them to release the Tota Rai (petitioner) from police custody. The police personnel sustained head injury. The said persons also damaged the police vehicles by bricks, stones and *lathi*.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that from bare perusal of the F.I.R, it appears that the petitioner was arrested in drunken stage and the police team took him under custody and no where in the F.I.R. it was averred that the petitioner called/informed any one as such the petitioner's role in provoking the mob is missing. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in



the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Danapur, Patna in connection with Bihta P.S Case No. 390 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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