

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79082 of 2024

Arising Out of PS. Case No.-212 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Sanjay Ram @ Sanjay Kumar @ Shribhagwan Ram Son of Bhikhari Ram Resident of Vill- Jaso, P.S.- Buxar (Muffasil), District- Buxar
2. Wakil Kumar @ Wakil Ram Son of Jagjivan Ram Resident of Vill- Jaso, P.S.- Buxar (Muffasil), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2024 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Buxar (Muffasil) Police Station Case No. 212 of 2024, disclosing offences under Sections 126(2), 115, 281, 352, 3(5) of the Bharatiya Nyaya Sanhita Act, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (amended).

3. As per the FIR, on 19.07.2024 at about 07:30 PM, while the informant, who was a Mukhiya was going towards his home, the petitioners who were going on a motorcycle hit the informant and fled away. It is further been stated that the informant chased and caught them. The petitioners also



threatened the informant, who is Mukhiya by pointing gun upon his chest. The informant informed the police Itarhi police Force, then both the petitioners fled away leaving their motorcycle and liquor to which the informant kept in his possession. The police subsequently recovered and seized the motorcycle and the illicit liquor of 5.6 litres.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case by Mukhiya, who is the informant, due to political dispute. The informant wanted the petitioners to campaign in his favour during the election, but the petitioners were campaigning in favour of his rival candidate. There is a delay in seizure and lodging of the FIR inasmuch as the informant has disclosed that the occurrence has taken place on 19.07.2024 and the motorcycle along with the liquor was kept in possession of the informant and the police came after one day, prepared the seizure list on 20.07.2024 and lodged FIR.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the police prepared the seizure list one day after the occurrence on 20.07.2024, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. I, Buxar, in connection with Buxar (Muffasil) Police Station Case No. 212 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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