

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81567 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- AGIAON BAZAR District- Bhojpur

1. Pijiya Kumari @ Tewa Devi D/o Sudarshan Musahar R/O Village-Khannikala, P.S- Agiaon Bazar, Distt.- Bhojpur, Bihar.
2. Yogendra Musahar @ Yogendra Kumar S/O Sudarshan Kumar R/O Village-Khannikala, P.S- Agiaon Bazar, Distt.- Bhojpur, Bihar.
3. Sudarshan Kumar @ Sudarshan Musahar S/o Vilash Musahar R/O Village-Khannikala, P.S- Agiaon Bazar, Distt.- Bhojpur, Bihar.
4. Dharmendra Kumar @ Dharmendra Musahar @ Dharmendra Ram S/o Harinandan Ram R/o Village- Khannikala, P.S- Agiaon Bazar, Distt.- Bhojpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyadarshi Pankaj Raj Anand, Advocate.
For the Opposite Party/s : Mr.Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Priyadarshi Pankaj Raj Anand, learned counsel appearing on behalf of the petitioners and Mr. Murli Dhar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Agiaon Bazar P.S. Case No. 100 of 2024 registered for the offence(s) punishable under Sections 30(a), 44 and 45 of the Bihar Prohibition and Excise (Amendment Act); Sections 147, 148, 149, 341, 323, 324, 325, 307, 308, 332, 333, 336, 337, 338, 353, 224, 225, 426 and 427 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act,



1984.

3. As per the allegation made in the FIR, 10 litres of country made Mahua liquor is said to have been recovered from the house of petitioner no.3 Sudarhsan Musahar in course of search conducted by the police officer. Altogether 44 accused persons including petitioners are said to have restrained and assaulted the police party.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Learned counsel submits that no seizure list has been prepared to substantiate that any recovery has been made from the possession or house of petitioner no.3. Petitioners have no concern with the seized liquor. The allegation of assault levelled against petitioner nos. 1, 2 and 4 is not specific rather general and omnibus in nature. At best, the petitioners can only be said to be member of the mob.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the



learned District Court within a period of four weeks from today,
on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)
each with two sureties of the like amount each to the satisfaction
of learned Exclusive Special Excise Court No.1, Bhojpur at Ara
in connection with Agiaon Bazar P.S. Case No. 100 of 2024,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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