

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2237 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- TRIVENIGANJ District- Supaul

1. Manish Kumar, Son of Mahesh Rajak, Resident of Village- Bhagwanpur, Ward No 6, P.S.- Triveniganj, District- Supaul
2. Satish Rajak @ Satish Kumar, Son of Mahesh Rajesh, Resident of Village- Bhagwanpur, Ward No 6, P.S.- Triveniganj, District- Supaul
3. Om Prakash Kumar Rajak @ Shashi Kumar Rajak, Son of Vasudev Rajak, Resident of Village- Parsa, Ward No 15, P.S.- Pratapganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Bhim Kumar Yadav, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 315 of 2023 registered for the offence punishable under Section 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners is of indecent behaviour, assault and abuse to the raiding party and not allowed to search their house.

4. It is submitted on behalf of the petitioners that from



the narrative of the F.I.R., it is evident that no illicit liquor has been recovered from the house of the petitioners. However, an omnibus allegation has been levelled that the petitioners have misbehaved with the raiding party, who were looking for the illicit liquor. He next submitted that in fact the petitioner nos. 1 and 2 are the son and petitioner no.3 is the brother of present Sarpanch and due to some political rivalry, the present F.I.R. has been instituted. Moreover, the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceedings of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against the petitioners that they made obstruction in discharge of the official duty.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that nothing incriminating has been recovered from the house of the petitioners, coupled with their fair antecedent, let the petitioners, named above, in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two



sureties of the like amount each to the satisfaction of learned Incharge Exclusive Special Judge, Excise Court No.1, Supaul in connection with Triveniganj P.S. Case No. 315 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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