

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17578 of 2025

Arising Out of PS. Case No.-581 Year-2024 Thana- CHAPRA TOWN District- Saran

1. Raj Kali Devi W/O Rajeshwar Mahto R/O Village- Purabi Dahiyawan, Mission Road, P.S- Chapra Town, Distt.- Saran at Chapra.
2. Rajeshwar Mahto S/O Dhrup Mahto R/O Village- Purabi Dahiyawan, Mission Road, P.S- Chapra Town, Distt.- Saran at Chapra.
3. Pankaj Kumar S/O Rajeshwar Mahto R/O Village- Purabi Dahiyawan, Mission Road, P.S- Chapra Town, Distt.- Saran at Chapra.
4. Chhotu Kumar S/O Rajeshwar Mahto R/O Village- Purabi Dahiyawan, Mission Road, P.S- Chapra Town, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Chhapra P.S. Case No. 581 of 2024 registered for the alleged offences under Section 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 132, 324 (4) of the B.N.S. and Section 30(a) of the Bihar Prohibition of Excise Act.

03. As per prosecution case, police received secret information about petitioners Pankaj Kumar, Rishu Kumar, Chhotu Kumar and Rajeshwar Mahto stocking huge quantity of illicit liquor in their house and selling it. A raid was conducted and



it was found that two persons have been packing illicit liquor who started running on seeing the police party. Co-accused Pankaj Kumar was apprehended and name of the petitioners Rishu Kumar, Rajeshwar Mahto, Chhotu Kumar and other co-accused persons was disclosed by the apprehended co-accused. Recovery of 200 litres of country made liquor was made and while further proceeding was being taken up, petitioners 1 to 4 and 20-25 unknown miscreants assembled on this spot armed with *lathi*, *danda*, knife and bricks started assaulting the police party and freed the co-accused Pankaj Kumar from the police party. They damaged the Government four wheeler vehicle. With great difficulty the police left the place with 20 litres of country made liquor.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. From the it is evident that there is general and omnibus allegation against the petitioner. Altogether 27 persons have been named in the FIR and allegation is also against other persons who were not named. The real fact of the case is that police party brutally assaulted innocent person and in retaliation thereafter this occurrence took place. Learned counsel also submits that no proper injury reports are available. Learned counsel further submits that 20 co-accused



persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 05.02.2025 passed in Cr. Misc. No. 1445 of 2025. The petitioner no. 1 and 4 have got clean antecedent whereas petitioner no. 2 is accused in two cases and petitioner no. 3 has been made accused in three cases.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and further considering the absence of injury report and also considering possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Excise, Saran at Chhapra in connection with Chhapra P.S. Case No. 581 of 2024, subject to the condition laid down under Section 482(2) of the B.N.S.S and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain



present on each and every date
fixed by the court below, if so
required by the learned trial
court.

(Arun Kumar Jha, J)

Anuradha/-

U		T	
---	--	---	--

