

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51088 of 2024

Arising Out of PS. Case No.-275 Year-2022 Thana- FATUA District- Patna

Shambhu Kumar @ Sambhu Kumar @ Shambhu Yadav @ Sambhu Yadav
Son of Salendra Singh Resident of Vill- Nasirpur Balwa, P.S.- Gatwah,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bablu Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner as well as
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Fatuha P.S. Case No. 275 of 2022, registered for the offences punishable under Sections 341, 307, 353 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation, the police raided the place of occurrence and destroyed 5000 kg of fermented *Mahua* as well as 200 liters of country-made liquor. The persons who are alleged to have involved in the illicit trade of liquor, created chaos and also opened fire.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The FIR is instituted against unknown



persons. Not a single person suffered any kind of injuries, as such, Section 307 of the IPC is not applicable.

5. On the other hand, the learned APP for the State, Shri J.N. Thakur has submitted that the petitioner is *Mukhiya* and he was leading the group, which was resisting the police party in destroying the illicit liquor.

6. The petitioner is not named in the FIR and none has suffered any kind of injuries.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge Court, Patna City in connection with Fatuha P.S. Case No. 275 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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