

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41926 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -NAUTAN District- SIWAN

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Mantu Yadav @ Mintu Yadav @ Mantu Kumar Yadav Son of Suresh Chaudhary Resident of Village -Makariyaar, Police Station- Siwan Mufassil (Dhanauti O.P) District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 30-11-2016 Heard Sri Bijay Prakash Singh, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Nautan P.S. Case No. 102 of 2016 registered for offence under Sections 272, 273, 34 of the Indian Penal Code and Section 47 of the Bihar Excise (Amendment) Act, 2016, has prayed for grant of anticipatory bail.

In this case, earlier case diary was called for.

It was submitted by learned counsel for the petitioner that the petitioner is having clean antecedent and this fact has been stated in paragraph – 3 of the petition. It has also been argued that on perusal of the F.I.R. itself, it is evident that in the raiding party, the concerned local chowkidar was not a member, however; in the

F.I.R., it has been alleged that local chowkidar had disclosed the name of the petitioner, as if he was driving the Maruti Car and he had fled away. He submits that the time of alleged occurrence is about 4:00 A.M. early in the morning, when on secret information, the raiding party arrived at the place of occurrence and noticed one motorcycle as well as one Maruti Car and from the Maruti Car, about 99 litres of different types of country-made liquor was recovered. It has been argued that it is completely a false accusation.

Learned Addl. Public Prosecutor, on the basis of certain facts disclosed in the case diary, tried to persuade the Court that petitioner was identified by the witness.

In view of facts and circumstances, particularly the clean antecedent of the petitioner, nature of accusation and the fact that the local chowkidar, who has named the petitioner, was not a member of the raiding party, there is no reason to deny the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Mantu Yadav @ Mintu Yadav @ Mantu Kumar Yadav be enlarged 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

Additional Chief Judicial Magistrate - XII, Siwan in connection
with Nautan P.S. Case No. 102 of 2016, subject to condition laid
down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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