

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26333 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Rajesh Yadav Son of Sadabriksha Yadav resident of Village- Motipur,
P.S.- Thakraha District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 20-08-2016

Heard both sides.

The petitioner apprehends his arrest in Thakraha P.S.
case No.37 of 2016 under Section 273/34 of the Indian Penal Code
and under Section 47(a) of the Excise Act.

The police raided the hut of the petitioner but the
petitioner managed to flee away. Other two persons were
apprehended and from the hut of petitioner 40 liters of sprit and
some sachets were recovered.

It is submitted that the hut does not belong to the
petitioner. The petitioner has falsely been implicated in the case at
the instance of other accused persons.

It appears that other accused persons, who were

apprehended on the spot, have very categorically stated that the hut belonged to the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., learned Additional Chief Judicial Magistrate, 1st Bagaha, West Champaran in Thakraha P.S. case No. 37 of 2016, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated other accused have already been granted regular bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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