

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11697 of 2017

Arising Out of PS.Case No. -306 Year- 2016 Thana -SHERGHATI District- GAYA

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1. Upendra Sao, son of Late Tejan Sao,
2. Pappu Mahto, Son of Narayane Mahto, both residents of Village-
Kesapi Tola Panchbahni, P.S.- Dobhi, District- Gaya.
..... Petitioners

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioners : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party : Mr. Sri Surendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-04-2017 On behalf of the petitioners it is submitted that

petitioner no.1 Upendra Sao has been arrested and, as such,

permission has been sought to withdraw his criminal

miscellaneous. Accordingly, this criminal miscellaneous against

petitioner no.1 Upendra Sao is hereby dismissed as withdrawn.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner namely Pappu Mahto apprehends his
arrest in connection with Sherghati (Dobhi) P.S. Case No. 306 of
2016, registered for the offences punishable under Sections 272
and 273 of the Indian Penal Code and Section 47 (a) of Excise
Amendment Act 2016.

The allegation against the petitioner and others is that
they forcibly kept illicit liquor in the house of the informant which
was opposed, the informant called other members of Mahila



Group, who came and then Dobhi police station was informed and police came and seized the liquor.

Submission is of false implication and that the petitioner has not been arrested at the spot. The marriage of the petitioner is going to be performed on 05.05.2017, nothing has been recovered from conscious possession of the petitioner, the petitioner has been implicated only on the basis of so-called statement of the informant and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, the petitioner (Pappu Mahto) in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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 S.D..J.M., Sherghati, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 306 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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