

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1531 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -KHAIRA District- SARAN

- =====
1. Raj Kishore Mahto, Son of Chote Lal Mahto,
 2. Shanti Kuwar, wife of Late Lagan Deo Mahto, Both resident of Village-
Bhikhampur, P.S.- Khaira, District- Saran at Chapra.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party : Smt. Renuka Ratnakar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-01-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Khaira P.S. Case No. 73 of 2016, registered for the offences punishable under Sections 188, 272, 273 of the Indian Penal Code and Section 47(A) (F) of the Excise Act.

Allegedly, the petitioners and other co-accused were indulged in preparing illicit liquor but they succeeded in fleeing away after seeing the police party and in spite of chase they could not be apprehended. Choukidar identified the petitioners and co-accused and named them and after search 15 liters country made mahua liquor and solution of mahua and jaggary etc. were recovered.



Submission is of false implication and that petitioner no.2 is an old lady and she is suffering from old age ailment since 2011, it cannot be believed that the petitioner no.2 succeeded in fleeing away in spite of chase and, as such, the petitioners deserves sympathetic consideration, to which the leaned A.P.P opposes by submitting that Choukidar had identified the petitioners and other co-accused when they were fleeing away.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Khaira P.S. Case No. 73 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate-Xth, Saran at Chapra.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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