

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22583 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Lal Sahab Mahto S/o Laxman Mahto, R/o Vill.- Agarwa, P.S.- Motihari,
District- East Champaran, At present Vill.- Awaraiya, P.S.- Chanpatia,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-279, 337, 338, 304 of the Indian Penal Code and ¾ of Damage of Public Property Act and 37(b) of Bihar Prohibition and Excise Act.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the FIR. The petitioner has been made accused due to mistake of fact. It is a case of accident and at best offence u/S 304A of the IPC can be made out. No offence u/S 304



of the Indian Penal Code is made out. No offence under Bihar Prohibition and Excise Act is made out against the petitioner. The petitioner is not alleged to be in drunken state rather the co-accused Md. Salim is said to be in drunken state. There is no recovery of liquor.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 17 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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