

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69925 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- KANHAULI District- Sitamarhi

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1. Yogendra Mahto, S/O Late Ramdhari Mahto.
 2. Mithilesh Rai, S/O Upendra Rai.
 3. Talewar Mahto @ Talebar Mahto @ Tapeswar Mahto, S/O Ruplal Mahto.
All R/V- Murhadih, P.S. Kanhauli, District-Sitamarhi.
 4. Pankaj Mahto, S/O Raj Kishor Mahto, R/V- Matiar Khurd, P.S. Sahiyara,
District-Sitamarhi.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate.
For the Opposite Party : Mr. Nand Kishore Pd, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2 Mithilesh Rai as he has already been taken into judicial custody in connection with Kanhauli P.S. Case No. 98/18, pending in the court of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2 Mithilesh Rai is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 3 and 4 and learned counsel for the State.

The petitioner nos. 1, 3 and 4 are apprehending their



arrest in a case for the offence registered under Sections 272, 273/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 144 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner nos. 1, 3 and 4 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. It is alleged that total 144 liters wine is recovered by the side of road. The name of the petitioner nos. 1, 3 and 4 has come in the present case on the basis of disclosure made by co-accused Devan Mahto. Except for this, there is no other substantive evidence to suggest their implication in this case. Nothing incriminating has been recovered from their conscious possession. They had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner nos. 1, 3 and 4 are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let



the petitioner nos. 1, 3 and 4 above named (except petitioner no. 2 Mithilesh Rai), in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Kanhauli P.S. Case No. 98/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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