

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6083 of 2019**

Arising Out of PS. Case No.-408 Year-2018 Thana- KHAIRA District- Jamui

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1. Umesh Yadav, Son of Mantu Yadav
  2. Pawan Yadav, Son of Mantu Yadav
  3. Shankar Yadav, Son of Basudeo Yadav
  4. Rajesh Yadav, Son of Bharat Yadav

All are residents of Village-Bojhayat, P.S.- Khaira, District – Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukul Jee

For the Opposite Party/s : Mr. Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      04-02-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Khaira Police Station Case No. 408 of 2018, disclosing offences under Sections 341, 323, 307, 504, 279 and 34 of the Indian Penal Code and Sections 30(a) and 38(1) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

Allegedly, the accused persons were riding in a motor cycle, which dashed against the son of the informant. It is also alleged that the said accused persons were carrying country-made liquor. The informant and the villagers are said to have



snatched the country-made liquor and produced the same before the police. It is evident from the seizure list also that police station campus is the place of seizure. There is no recovery from any of the persons named in the First Information Report, who have apparently been named on a disclosure made by the informant.

I find some substance in the submission advanced on behalf of the petitioner that the accusation may be out of vengeance.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered and decided on the same day without being prejudiced by the present order of dismissal.

**(Chakradhari Sharan Singh, J.)**

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