

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76688 of 2018

Arising Out of PS. Case No.-314 Year-2018 Thana- KUDHNI District- Muzaffarpur

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Rajan Kumar S/o. Sh. Machchu Singh, R/o. Jagdish Kamtaul, Kamtaul Anant,
P.S.- Kudhni, Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra

For the Respondent/s : Ms. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kudhani Police Station Case No. 314 of 2018, disclosing offence under Sections 414/34 of the Indian Penal Code and Sections 30(a), 38 (I), 41(i) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

Learned Counsel for the petitioner, however, contends that except naming of the petitioner in the First Information Report, there is absolutely nothing against him. She has referred to the First Information Report and has submitted that there does not appear to be any reason why the petitioner’s name figures at serial no. 7 in the First Information Report.



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, Rajan Kumar, 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, keeping in mind the aforementioned observation that there is no allegation against the petitioner in the First Information Report.

(Chakradhari Sharan Singh, J.)

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