

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42596 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. RAGHO MAHTO @ RAGHAV MAHTO Son of Sita Ram Mahto Resident of Village - Malahi Dih, P.S.- M.H. Nagar, Dist.- Siwan.
2. Prakash Mahto @ Omprakash Mahto Son of Baliram Mahto Resident of Village - Malahi Dih, P.S.- M.H. Nagar, Dist.- Siwan.
3. Bikki Mahto Son of Awdhesh Mahto Resident of Village - Malahi Dih, P.S.- M.H. Nagar, Dist.- Siwan.
4. Wakil Mahto Son of Sitaram Mahto Resident of Village - Malahi Dih, P.S.- M.H. Nagar, Dist.- Siwan.
5. Mokhtar Mahto Son of Motilal Mahto Resident of Village - Malahi Dih, P.S.- M.H. Nagar, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-07-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Hussainganj (M.H.Nagar) P.S. Case No. 112 of 2019, disclosing offences under Sections 272, 273 and 420/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016').

In view of the bar under Section 76(2) of the Act of 2016 and the Full Bench decision rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2)**



PLJR 1089, this application cannot be maintained and is accordingly dismissed.

However, the petitioners are directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If they do so, the court below shall consider their prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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