

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20129 of 2020

Arising Out of PS. Case No.-728 Year-2019 Thana- BIHTA District- Patna

1. Pintu Manjhi, Son of Madheshawar Manjhi, Resident of Village- Laxmanpur Musahari, P.S.- Bihata (Neura), District- Patna.
2. Pappu Manjhi, Son of Chandeshwar Manjhi, Resident of Village- Laxmanpur Musahari, P.S.- Bihata (Neura), District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav- Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 17-08-2020 The defects, as pointed out by the office, be ignored.

Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

At the very outset, learned counsel appearing for the petitioners informs that petitioner no.1, namely, Pintu Manjhi died during the pendency of this petition.

Accordingly, in view of the aforesaid submission, the prayer for anticipatory bail of petitioner no.1, namely, Pintu Manjhi stands dismissed being infructuous.

So far as petitioner no.2, namely, Pappu Manjhi is concerned, he apprehends his arrest in connection with Bihta P.



S. Case No.728 of 2019, corresponding to Special Case No.6677 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

According to prosecution report of the informant, the recovery of countrymade liquor was made from the house of petitioner no.2.

Learned counsel for the petitioner no.2 submits that both the seizure list witnesses are of different villages and, therefore, the aforesaid fact creates doubt about the so called recovery. However, I am not at all convinced with the aforesaid submissions and, in my view, the anticipatory bail filed on behalf of petitioner no.2, namely, Pappu Manjhi is not maintainable.

Accordingly, the prayer for anticipatory bail filed on behalf of petitioner no.2, namely, Pappu Manjhi stands dismissed being not maintainable.

(Hemant Kumar Srivastava, J)

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