

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17479 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- MARANCHI District- Patna

Chhotu Kumar @ Ankesh Singh, aged about 25 years, Son of Awadhesh Singh, Resident of Village - Nauranga, P.S. Maranchi (Panchmahala O.P.), District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj

For the Opposite Party/s : Mr. Akshay Lal Pandit,

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2020 Heard Mr. Om Prakash Maharaj, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned counsel for the State through video conferencing.

Petitioner apprehends his arrest in connection with Maranchi (Panchmahala O.P.) P.S. Case No. 115 of 2019 (Special Case No. 9348 of 2019) registered under Sections 147 / 149 / 353 / 186 / 34 / 427 / 323 / 504 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that the petitioner was coming with suspicious article on his motorcycle and upon seeing police personnel he handed over the article to one unknown person and managed to escape. It has further been alleged that the person to whom the petitioner



handed over the material also left the same and escaped and police recovered 1.5 liters of illicit foreign liquor from the bag. It was stated that the petitioner was subsequently arrested but as a result of his shouting his neighbours as well as family members started protest in front of the police vehicle and co-accused persons also started pelting stones and facilitated the petitioner to escape from Police custody.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village political rivalry. Learned counsel further submits that no illicit liquor has been recovered from his possession and the only allegation which has been levelled is that the family members of the petitioner and other co -accused facilitated the petitioner in escaping from the police custody. Learned counsel further submits that other co-accused persons have been granted anticipatory bail in Cr. Misc. No. 83839 of 2019.

Having regard to the submission made by the parties and taking into consideration the materials available on record, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the same is rejected.

However, if the petitioner surrenders before the court below within four weeks from today and seeks regular bail, the



court below may consider his bail application on its own merit
without being prejudiced to the fact that the present application
has been rejected by this court.

(Anil Kumar Sinha, J)

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