

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17300 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- PUPRI District- Sitamarhi

MITHU KUMAR Son of Sri Raju Das Resident of Village - Pupri, Nagar Panchayat, Ward No. 7, Circle and P.S.- Pupri, Distt - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha, Adv
For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 11-01-2021 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Pupri P.S. Case No. 237 of 2019, registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, two bottles each of 180 ml of IMFL was recovered from a bag hanging from the handle of the motorcycle of the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. No recovery of any incriminating article has been made from the alleged place of occurrence and the petitioner has



been falsely implicated in the case only for the reason that he happens to be the owner of the motorcycle and entered into an altercation with police personnel over parking of the vehicle. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner including the fact that the petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Pupri P.S. Case no. 237 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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