

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20589 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. ASHOK BIN Son of Shiv Nath Sah @ Shiv Nath Prasad Resident of Village - Patedha Tola, Kotwa, P.S.- Maharajganj, Distt.- Siwan.
2. MANNU BIN @ MALLU BIN Son of Suresh Bin Resident of Village - Patedha Tola, Kotwa, P.S.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners submits that petitioner no.1 namely, Ashok Bin has been arrested during the pendency of this application. Hence, he prays for withdrawal of the application.

Prayer is allowed. The application for anticipatory bail is dismissed as withdrawn so far as above named petitioner no.1 is concerned.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioner no. 2 apprehends his arrest in



connection with Maharajganj P.S. Case No. 322 of 2020 registered for the offence under Section 272, 273 of the Indian Penal Code and under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

In view of the fact that prima facie case under the Excise Act, is made out against the petitioner no.2, this application for grant of anticipatory bail to the petitioner no. 2 is not maintainable in view of Full Bench decision of this Court rendered in the case of Ram Vinay Yadav Vs. The State of Bihar reported in 2019 (2) P.L.J.R. 1089 (F.B.).

Accordingly, this anticipatory bail application of above name petitioner no. 2 is dismissed as not maintainable.

(Sandeep Kumar, J)

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