

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23659 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- KALYANPUR District- Samastipur

1. Sintu Ray, aged about 26 years (M), Son Of Late Tetar Ray.
2. Bhola Rai, aged about 62 years (M), son Of Mahadeo Rai.
Both are residents of Muktapur, P.S.- Kalyanpur, District-Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Usha Kumari Singh, Advocate
For the Opposite Party	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

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.

This application for grant of anticipatory bail arises out of Kalyanpur P.S. Case No. 287 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 353, 337, 338, 379, 427, 504 of the Indian Penal Code, under Section 3/4 of the Prevention of Damage to Public Property Act and under Sections 30(a)/41(i)(ii)/47 of the Bihar Prohibition & Excise Act.

In view of the fact that *prima facie* a case under the Excise Act, is made out against the petitioners, this application



for grant of anticipatory bail to the petitioners 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 is dismissed as not maintainable.

(Sandeep Kumar, J)

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