

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24790 of 2020

Arising Out of PS. Case No.-421 Year-2019 Thana- SAKRA District- Muzaffarpur

MD. ISTEYAK Son of Late Mumtaj Resident of Village - Sakra Faridpur, P.S.
- Sakra, District – Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 03-02-2021 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 Sakra P.S. Case no. 421 of 2019, registered under sections 420, 467 and 468 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, on secret information having been received about unloading of illicit IMFL from a truck, a raid was conducted. While one person was caught, five persons managed to escape. The person, who was caught, disclosed the names of five persons who escaped, the petitioner being one of them. A loaded pistol was recovered from the possession of the person caught at the place of occurrence and



1450 ltrs of IMFL as detailed in the seizure list was also recovered.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. Neither the petitioner was arrested at the spot nor has any incriminating article been recovered from his possession. It is submitted that case of the petitioner stands on a similar footing to that of the co-accused Sushil Kumar Singh who has been enlarged on bail vide order dated 29.2.2020 passed in Cr. Misc. No. 2665 of 2020. It is further submitted that the wife of the petitioner was the pairvikaar and has filed the instant petition. A supplementary affidavit has been filed explaining that she being an illiterate lady, was not aware of the antecedent of the petitioner and, as such, error has been committed in paragraph no. 3 of the main petition.

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

Having heard learned counsel for the parties, by order dated 16.10.2020 a report with respect to the antecedent of the petitioner was called for from the Senior Superintendent of Police, Muzaffarpur. Contrary to the statement made in paragraph no. 3 of the petition, as per the report, the petitioner is



accused in two other cases being Sakra P.S. Case No. 46 of 2019 registered under sections 272 and 273 of the Indian Penal Code and sections 30(a), 38(i) and 41 of the Bihar Prohibition and Excise Act, 2016 as also Sakra P.S. Case no. 134 of 2019 registered under sections 402, 467, 468, 471 and 120 B of the Indian Penal Code.

Taking into consideration the antecedent of the petitioner, the Court is not inclined to enlarge the petitioner on anticipatory bail and, as such, the same is rejected.

(Partha Sarthy, J)

sushma/-

U		T	
---	--	---	--

