

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26910 of 2020

Arising Out of PS. Case No.-376 Year-2019 Thana- PUPRI District- Sitamarhi

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Suman Kumar, S/O Kari Sah, Resident of Village - Hardiya, P.S. - Pupri, Dist.
- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-02-2021 Heard learned counsel for the petitioner and Ms. Asha
Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Pupri P.S. Case No.376/2019 registered
for the offences punishable under Sections 272 and 273/34 of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to ulterior motive. Learned counsel submits that the
petitioner has no concern at all with the alleged car from which
the recovery of illicit liquor has been made and he has been
made accused in this case without there being any material
against him.



Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the name of this petitioner has come as the person who had fled away on seeing the police party leaving the Elantra Car and in the supplementary affidavit filed before this Court the petitioner admits to this extent at least that he had earlier intended to purchase the said car from the registered owner for which a sale deed was also prepared but now his stand is that the sale has not taken place because he was unable to pay the entire consideration in one go, there being some connection of the petitioner with the said car and the same is being admitted by him coupled with the fact that he has got one criminal antecedent on his head, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court



below within a period of four weeks from today shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

