

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86780 of 2019

Arising Out of PS. Case No.-476 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Bittu Thakur @ Bitu Thakur (Male), aged about 35 years, S/o- Ram Kumar Thakur @ Ram Kumar Sharma R/o- Village- Patahi Rup, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Muzaffarpur Sadar P.S. Case No. 476 of 2018 for the alleged offences under Sections 452, 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 37(b) of the Bihar Prohibition and Excise Act, 2016, having earlier been dismissed as withdrawn by the order dated 27.03.2019 passed in Criminal Miscellaneous No. 16280 of 2019.

3. Learned counsel for the petitioner submits that in a subsequent development, similarly situated co-accused person namely Niraj Thakur @ Aman Kumar has been granted anticipatory bail by a coordinate Bench of this Court vide order



dated 19.11.2018 passed in Cr. Misc. No. 68202 of 2018 (Annexure-3).

4. Having regard to the nature of accusations made to the effect that the petitioner along with other co-accused persons entered the informant's house in a drunken state, the petitioner has not been able to satisfactorily show that no offence is made out under the Bihar Prohibition and Excise Act, 2016. As such and for the detailed reasons enumerated in my earlier order passed in Cr. Misc. No 9688 of 2020 (Ghanshyam Ram vs State of Bihar), the petition for anticipatory bail is held to be not maintainable in terms of Section 76(2) of the said Act. The alleged occurrence is of 02.07.2018 and hence the benefit of the proviso to Section 76(2) of the Act effective from 30.07.2018 does not also come to the rescue of the petitioner. The petition stands dismissed.

5. If the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on its own merit in accordance with law without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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