

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15194 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- BENIPATTI District- Madhubani

=====

MUKESH MAHTO S/O BHOGI MAHTO R/O VILLAGE GOPALPUR, P.S.
HARLAKHI, DISTRICT MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Benipatti P.S. Case No. 257 of 2020 (G.R. No. 1138 of 2020 instituted for the offences under Section 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

The petitioner and two others are said to have run away from a vehicle when the same was intercepted and from where huge quantity of liquor was recovered.

The learned counsel for the petitioner has submitted that the owner of the vehicle in question has been



granted anticipatory bail by this Court.

However, two other persons similarly situated had to surrender before the court below and only then they were granted regular bail.

Considering this aspect of the matter, I am not inclined to entertain this petition for grant anticipatory bail to the petitioner, who would be well advised to surrender before the court below and seek bail.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court below and seek bail, his application shall be considered on its own merits, taking into account that similarly situated person has been granted bail and an order shall be passed, without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

sunilkumar/-

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

