

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33987 of 2021

Arising Out of PS. Case No.-964 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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KRISHNA MOHAN SAH @ KISHAN RAJ Son of Durga Sah R/o Jhitkatiya,
P.S.- Brahmpura, District - Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 01-02-2022 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 Ahiyapur P.S. Case No. 964/2020

instituted for the offences under Sections 272, 273 and 34

of the Indian Penal Code and Section 30(a)/36 of the Bihar

Prohibition and Excise Amendment Act, 2018.

3356 litres of liquor is said to have been recovered

from a campus which stands in the name of mother of the

petitioner. Precisely for this reason, the father and another

brother of the petitioner also have been made accused in this

case.



It has been urged on behalf of the petitioner that the land in question had been given on rent to one Rajiv Kumar, who too has been made accused in this case but has been granted regular bail by a Bench of this Court. Two of the accused persons of this case have been granted anticipatory bail by different Benches of this Court.

Since the land belongs to the mother of the petitioner, I am not inclined to exercise my discretion for grant of anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, it shall be considered, taking into account that the person who had taken the land on rent has been granted regular bail by a Bench of this Court and that the father and brother of the petitioner, who too have been made accused in this case with similar allegations, have been granted anticipatory bail by different Benches of this Court, and an order shall be passed in accordance with law, without being prejudiced by the fact that the present petition on his behalf has not been entertained.



The court below shall also take into account that
the petitioner does not have criminal antecedents.

(Ashutosh Kumar, J)

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