

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39195 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. SURENDRA MAHTO S/o Jugeshwar Mahto @ Bhugesh Mahto R/o Village- Jata Pachhiyari Tola, P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.
2. Birendra Mahto S/o Jugeshwar Mahto @ Bhugesh Mahto R/o Village- Jata Pachhiyari Tola, P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.
3. Fulo Devi W/o Jugeshwar Mahto @ Bhugesh Mahto R/o Village- Jata Pachhiyari Tola, P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.
4. Kushma Devi W/o Birendra Mahto R/o Village- Jata Pachhiyari Tola, P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
For the Opposite Party/s	:	Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 02-03-2022 At the outset, learned counsel for the petitioners submits that during pendency of this application petitioner no. 2, namely, Birendra Mahto, has been arrested, and as such, he seeks permission to withdraw this application as against petitioner no. 2.

Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in connection with Gaighat P.S. Case No. 443 of 2020 registered for the offence punishable under section 272 and 273/34 of the Indian

Penal Code and section 30(A) of the Bihar Prohibition and Excise Act.

Learned counsel appearing for the petitioners submits that petitioners have been falsely implicated in this case due to dirty village politics. Nothing has been recovered from the conscious possession of these petitioners as is evident from the seizure list. Petitioners have no criminal antecedent.

Learned Addl. P.P. appearing for the State opposes the prayer for bail of petitioner no. 1 and submits that he is named accused and there is recovery of illicit liquor from his house, and as such, he does not deserve to be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner nos. 3 and 4, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing personal bond to the satisfaction of Special Judge, Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 443 of 2020 subject to the conditions laid down under section 438(2) Cr.P.C.

So far as petitioner no. 1 is concerned, considering the

nature of allegations levelled against this supported by recovery,
this Court is not inclined to grant him the privilege of
anticipatory bail. The prayer for bail is, accordingly, rejected.

(Arvind Srivastava, J)

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