

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51504 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- BANIAPUR District- Saran

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MUKESH YADAV S/o Jaganath Ray R/o Village- Methwaliya, Hasanpurwa,  
P.S.- Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH  
SHARMA**

ORAL ORDER

2      16-02-2022                      Heard the parties through video conferencing.

The petitioner apprehends his arrest in connection with Baniyapur P.S. Case No. 382 of 2020 registered for the offence under Sections 30 (a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the vehicle was given to one Ashok Choudhary, who has misused the Motorcycle. However, I do not find that Ashok Choudhary was not arrested at the time of incident and it is one unknown person found to fled away leaving the motorcycle. It is therefore, the owner of the motorcycle will have to presume committed the crime in terms of Section 32 (iii) of the Act, 2016.



Considering the said circumstances, it cannot be said that prima facie case is not made out against the petitioner, I am not inclined to grant benefit of anticipatory bail to the above named petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

**(Sanjeev Prakash Sharma, J)**

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