

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52119 of 2021**

Arising Out of PS. Case No.-177 Year-2017 Thana- DARAUNDA District- Siwan

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Mukund Pandey @ Mukundo Pandey, Male aged about 50 years, Son of Late Mandev Pandey Resident of Village- Ranibari, Rukudipur, P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 17-02-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Daraunda P.S. Case No. 177 of 2017 instituted for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner cannot be said to be involved as he was not present at the site. The liquor has been recovered in the instance of another accused but the same is found from the open field and the land belongs to the petitioner, he cannot be involved in the aforesaid case as Section 30 (a) of the Act would not apply, moreover Section 308 would also be not applicable.

Considering the aforesaid fact and after examining the

FIR and the order passed by the court below, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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