

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28089 of 2023**

Arising Out of PS. Case No.-85 Year-2023 Thana- KARJA District- Muzaffarpur

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MUKESH KUMAR @ MUKESH KUMAR MAHTO Son of Ganga Mahto  
Resident of village - Karja, P.O.- Karja, Karjandih, Distt. - Muzaffarpur, Bihar  
- 843143

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Archana Sinha @ Archana Shahi, Advocate  
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      17-05-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) and 37 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 5 liters of liquor from Aactiva Scooty, 1 liter of liquor from Yograj Sahani and 1 liter from a poultry form.

Learned counsel for the petitioner submits that the



petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Satyendra Sah in police custody which does not have any evidentiary value. It is also submitted that petitioner, being owner of the Scooty, was implicated in the case, it is further submitted that no prudent person would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioner was completely unaware that Satyendra would misuse the vehicle in the manner as alleged in the F.I.R., when admittedly petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like



amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Karja P.S. Case No. 85 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishabh/-

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