

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28351 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- WARISNAGAR District- Samastipur

RAJESH KUMAR @ RAJESH KUMAR MAHTO Son of Ramakant Mahto
Resident of Village - Sedukha Mananpur, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P.

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 30(a)(c) of the Bihar Excise Act and Sections 272 and 273 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 79 liters of liquor along with other articles as detailed in the FIR from the house of Lalo Kumar.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that he came to be implicated based on the



confessional statement of co-accused in police custody which does not have any evidentiary value, it is further submitted that petitioner because of his antecedents came to be implicated in the present case.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khanpur P.S. Case No. 28 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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