

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47952 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- KOPA District- Saran

1. Dinesh Kumar Manjhi @ Dinesh Manjhi S/o Janakdev Paswan @ Janakdev Paswan @ Janakdev Manjhi R/o Village Pokharbhinda, Kopa P.S.-Kopa, District-Saran
2. Ritesh Paswan @ Ritesh Manjhi @ Kanhaiya Manjhi S/o Janakdev Paswan @ Janakdev Paswan @ Janakdev Manjhi R/o Village- Pokharbhinda, Kopa, P.S.-Kopa, District-Saran
3. Pratap Kumar @ Vikash Manjhi @ Pratap Manjhi S/o Janakdev Paswan @ Janakdev Paswan @ Janakdev Manjhi R/o Village- Pokharbhinda, Kopa, P.S.-Kopa, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan Raj, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2024 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, Ritesh Paswan @ Ritesh Manjhi @ Kanhaiya Manjhi.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.2.

4. Heard learned counsel for the petitioners as well as learned APP for the State.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under



Section 30(a) of the Bihar Prohibition and Excise Act in connection with Kopa P.S. Case No.37 of 2024.

6. The learned counsel for the petitioners submit that the petitioner no.1 is person with clean antecedent and petitioner no.3 has antecedent of three cases and the allegation is of recovery of 200 liters of liquor from *Bathan* of the petitioner.

7. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and *Bathan* is a place outside the house and is accessible to villagers at large and it appears that someone inimical to the petitioners planted the liquor in order to implicate them and their family members. It is also submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated and they came to be implicated at the instance of 'Chowkidar' with whom they are on an inimical term.

8. The learned APP for the State opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Kopa P.S. Case No.37 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of even one case, petitioner no.2 has antecedent of more than one case and petitioner no.3 has antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect to.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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