

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51041 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Manish Kumar Kapar @ Manish Kumar @ Manish Kapar Son Of Rajeshwar
Kapar Village- Gunai Bashi, P.S.- Tajpur Distt.- Samatipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Musrigharari P.S. Case No. 38 of 2024 registered for the
offences punishable under Sections 420 & 419 of the Indian
Penal Code and Section 30(a), 33, 36 & 41 of the Bihar
Prohibition and Excise (Amendment) Act.

3. Prosecution case in a nutshell is that 600 litres
spirit was recovered from a car and from the house of one co-
accused, namely, Umesh Kumar @ Nanki.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of spirit. Name of the petitioner surfaced in this case on the basis of confessional statement of co-accused, namely, Krishna Kumar Sahni, who has been granted regular bail by this Court vide order dated 07-05-2024, passed in Cr. Misc. 35103 of 2024. Petitioner bears three criminal antecedent. It is next submitted that Other co-accused has been granted regular bail by this Court vide orders dated 02-05-2024 & 10-05-2024, passed in Cr. Misc. No. 34383 of 2024 & Cr. Misc. 36073 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Musrigharari
P.S. Case No. 38 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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