

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5429 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- GOVINDGANJ District- East
Champaran

=====

Mohan Prasad @ Mohan Sah, Son Of Rambabu Sah Resident Of Village-
Sareya, Ps- Govindraj, Distt- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 20(b)(ii)(b), 23(b) and 29 of the N.D.P.S. Act.

3. The learned counsel appearing on behalf of the
petitioner submits that petitioner is a person with clean
antecedent and one Bindu Devi was arrested with 19 kg 700 gm
of Ganja from her house. The said Bindu Devi disclosed the
name of the petitioner and one Ram Babu Sah, who were
involved in the occurrence. It is submitted that Ram Babu Sah is
father in-law of Bindu Devi and he had approached this Court
seeking anticipatory bail application by filing Cr. Misc. No.4502



of 2024 and the same was allowed by an order dated 19.02.2024. It is next submitted that petitioner is husband of Bindu Devi and they are not having good relationship, as such, the petitioner came to be implicated at the instance of Bindu Devi.

4. The learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application and submits that though the alleged recovery is more than small quantity, but a little less than commercial quantity, but then, from perusal of the order dated 19.02.2024 in Cr. Misc. No.4502 of 2024, it would manifest that a stand was taken when the anticipatory bail application of the father in-law of Bindu Devi was taken up that the father in-law was having strained relationship with his son Mohan Sah that is husband of Bindu Devi based on which, she implicated her father in-law. It is next submitted that today, when the case is taken up, a stand has been taken that Bindu Devi is having strained relationship with her husband. It is next submitted that it absolutely does not stand to reason that if Bindu Devi is not on good terms with her husband, then how come she is staying in the house of her husband and it is further submitted that confession of Bindu Devi is self incriminating as she does not dispute that she was not involved in the occurrence rather has



stated that her husband was also involved in the occurrence.

5. Considering the submission made by the learned Additional P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

