

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71227 of 2025

Arising Out of PS. Case No.-733 Year-2017 Thana- BIHTA District- Patna

=====

Bijbhushan Mahto Son of Late Sohar Mahto R/O- Kateshar, P.S.- Bihta,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-10-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Bihta P.S. Case no. 733 of 2017 registered under sections 271, 272, 420 and 414/34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, seeing the police personnel, the accused persons abandoned their motorcycle and managed to flee away. The accused were identified by the *chowkidar* as Sonu Kumar, Bhuar Paswan and Prakash Paswan. On search, 20 litres and 10 litres of liquor was recovered from two of the three motorcycles.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the



reason that he happens to be the registered owner of one of the vehicles from which allegedly 20 litres of liquor was recovered. It is submitted that the vehicle in question was sold by the petitioner, however, the registration thereof has still not been transferred to the purchaser. Even from the allegation levelled in the FIR, neither any incriminating article has been recovered from the petitioner's possession nor was he anywhere near the place of occurrence at the time of seizure. Learned counsel for the petitioner further submits that having learnt about his false implication in the case only on 11.8.2025, therefore the delay in moving this Court for the anticipatory bail. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the FIR was registered in September, 2017 and the petitioner having remained at large for almost eight years has now moved the Court for grant of anticipatory bail.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. and specially the delay in moving the Court for grant of anticipatory bail, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.



7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioner surrenders within the aforesaid period and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

saauravkrsinha/-

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

