

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37516 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -KORMA District- SEKHPURA

1. Bharat Mahto Son of Sri chandeshwar Mahto
2. Sanjay Mahto S/o Sri Prakash Mahto
Both Resident of Kamashi PS. Sheikhpura Distt Sheikhpura.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Bamdeo Pandey, Advocate
: Mr. Jitendra Pandey, Advocate
For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Korma P. S. Case No. 38 of 2016 for offence alleged
under Sections 272, 273 of the Indian Penal Code and Section
47(A) of the Bihar Excise Act, 2016.

The prosecution case as lodged by the informant is
that the informant along with police officials proceeded for
conducting raid and on the basis of the secret information,
found one motorcycle, apprehended two persons, who were on
motorcycle but who escaped. It is alleged that two bottles
country made wine were recovered from the Dikki of the said

motorcycle.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. It has further been submitted that nothing incriminating has been found from the possession of the petitioners and that the petitioners have no criminal history as is evident from paragraph-3 of this application. It is submitted that small quantity of country made liquor has been found from the dikki of the motorcycle and even otherwise being the first offender the petitioners be enlarged on bail.

However, the learned APP for the State submits that although the petitioners were not apprehended, the name of the petitioners surfaced from the local villagers, hence, opposes the prayer of bail.

Be that as it may, since the petitioners have no criminal history and small quantity of liquor having been found, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sheikhpura in connection with Korma

P. S. Case No. 38 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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