

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56594 of 2017

Arising Out of PS.Case No. -96 Year- 2016 Thana -RIVILGANJ District- SARAN

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Surendra Mahto S/o Shiojee Mahto, R/o Village- Mission Compound, P.S.-
Chapra Town, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Rivilganj P.S. Case
No. 96 of 2016 instituted for the offence under Sections 272,273
of the Indian Penal Code and 47 of the Bihar Excise Act
(Amended), 2016.

It is alleged in the written report that in the land of the
petitioner, six persons have been found as named in the written
report, sitting along with seven *dabba* of plastic and on chasing
two persons were arrested namely Mukesh Sah and Akhilesh
Kumar, who have disclosed the name of other accused persons as
mentioned in the written report and also stated that they were
preparing country made liquor.

It has been submitted by the learned counsel for the
petitioner that out of five accused persons, four accused persons
have already been granted anticipatory bail by a coordinate Bench



of this court vide order passed in Cr. Misc. No. 54249 of 2016 and Cr. Misc. No. 55577 of 2016.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Rivilganj P.S. Case No. 96 of 2016 to the satisfaction of learned Special Additional Sessions Judge (Excise), Saran subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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