

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9518 of 2019

Arising Out of PS. Case No.-576 Year-2018 Thana- SAKRA District- Muzaffarpur

RAKESH MAHTO @ DHANNA SETH, Son of Mishrilal Mahto, Resident of
Village – Lautan, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Sakra P.S. Case No. 576 of 2018 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 35(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that it is a case of false implication as there is nothing to connect this petitioner with the present case. It is submitted that from seizure list available on the record it would appear that the recovery has been made from village Malpur Agrail whereas the petitioner is a resident of village Lautan which is situated at a distance of about five kms from the alleged place of recovery. Learned counsel submits that the petitioner has no criminal antecedent.



Although, learned APP for the State has opposed the prayer for anticipatory bail, but the fact remains that save and except mere suspicion nothing more could be pointed out to justify involvement of the petitioner in the present case.

In the given facts and circumstances of the case considering that the petitioner is a resident of different village situated at a distance of five kms from the alleged place of recovery and that he has no criminal antecedent, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Sakra P.S. Case No. 576 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

arvind/-

(Rajeev Ranjan Prasad, J)

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