

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27403 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- KHAIRA District- Saran

1. Upendra Mahto, Male, aged about 20 years, son of Ramnath Mahto.
2. Vinod Mahto, Male, aged about 33 years, son of Budhan Mahto.
3. Nagendra Mahto, Male, aged about 37 years, son of Jago Mahto.
All resident of Bhikhampur, P.S.- Khaira, Distt - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar Shrivastava, Adv.
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Khaira P.S. Case No. 32 of 2019, registered for the offence under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

20 liters of country made liquor has been recovered from a plastic jerkin, which is said to be hailing to the petitioners.

In paragraph no.3 of this bail petition, it has been stated that petitioners nos. 2 and 3 have no criminal antecedent



whereas, the petitioner no.1 has two criminal antecedent of same nature.

As the petitioner nos. 2 and 3 have no criminal antecedent, let the above-named petitioner nos. 2 and 3 be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the VIth Additional District and Sessions Judge-cum- Special Judge, Excise, Saran, in connection with Khaira P.S. Case no. 32 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

However, at the time of accepting bail bonds, the court below would verify and assure itself regarding the criminal antecedent of the petitioner nos. 2 and 3. If they are having clean antecedent, then their bail bond would be accepted. If they are found to be involved in any other case before filing of this application i.e. 24.04.2019 then their bail bond would not be accepted.

As the petitioner no.1 having two criminal antecedent of same nature, his prayer for bail is rejected.



However, if the petitioner no.1 surrenders before the Court below within three weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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