

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78404 of 2018

Arising Out of PS. Case No.-374 Year-2018 Thana- BARHARA District- Bhojpur

SIPAHI MAHATO @ SIPAHI BIND Son of Butai Mahto, resident of Fuhan
Bind Toli, P.S. Barahara, District Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr.Sri Rajballabh Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 22.09.2018 in connection with Excise Case No. 1506 of 2018 arising out of Barahara P.S. Case No. 374 of 2018 for the offence registered under Sections 414 and 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that though he is named in the first information report, the alleged recoveries were not from his conscious possession and were recovered from the house lady. So far as the recovery of motorcycle is concerned, the same belongs to the petitioner which is marked as Annexure- 2 to the bail application. It was only because the house lady could not produce the paper of the concerned motorcycle, it was suspected that the same was also a



stolen one.

Considering the aforesaid facts and circumstances of the case and that one co-accused, namely, Fagu Mahato, from whose possession the alleged recoveries were said to have been made, has since been extended the privilege of bail vide order dated 11.01.2019 passed in Cr. Misc. No. 78342 of 2018, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1506 of 2018, subject to the condition that one of the bailors will be his father.

(Anjana Mishra, J)

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