

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9686 of 2020**

Arising Out of PS. Case No.-424 Year-2019 Thana- ROSERA District- Samastipur

SANTOSH KUMAR @ SANTOSH KUMAR MAHTO Son of Munshi
Mahto @ Raj Kumar Mahto Resident of Village - Bataha, P.S. - Rosera,
District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-06-2020 This application has been placed for consideration by
the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Rosera P.S. Case No. 424 of 2019
registered for the offence punishable under Sections 272, 273, 34
of the Indian Penal Code and Section 30(a) of Bihar Prohibition &
Excise Act.

Learned counsel for the petitioner submits that the
alleged recovery is said to have been made from a room situated
beside the poultry farm but the same does not belong to the
petitioner and to that extent specific statement has been made in



paragraph '7' of this application. It is further submitted that the except confessional statement of co-accused there is no material against the petitioner and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is alleged that the country made liquors were recovered from a room situated beside the poultry farm of this petitioner but it is the specific statement of the petitioner in paragraph '7' of the application that the room from which recovery has been made does not belong to the petitioner and merely on suspicion name of this petitioner has been brought in this case and save and except the confessional statement of co-accused there is no material to connect the petitioner with the present case as also he has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Rosera P.S. Case No. 424 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

avin/-rajeev

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

