

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11528 of 2020

Arising Out of PS. Case No.-353 Year-2016 Thana- MADHUBANI TOWN District-
Madhubani

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BILTU MAHTO Son of Ramji Mahto Resident of Village - Santu Nagar,
Ward No.2, P.S.- Madhubani Town, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-08-2020 The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

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

Petitioner, who is in custody, seeks bail in a case
registered for the offence punishable under Sections 272 and
273 of the Indian Penal Code, Sections 25(1-b), 26, 35 of the
Arms Act and 30(i), 36, 41 of the Bihar Prohibition and Excise
Act, 2016.

Petitioner had earlier moved this Court for regular bail
vide Cr. Misc. No. 72747 of 2018 which was rejected on
11.12.2018 with a direction to the trial court to conclude the trial



within one year.

Informant who is the police officer has alleged in his written complaint that he received information that Chandan Kumar Bharti @ Chandan Mahto who is accused in many criminal cases, huge amount of illicit liquor is kept in his house and upon receiving said information, he alongwith other police personnel raided his house, however all present in the house managed to escape and upon search of his house 53.700 Kg of Ganja, Magazine of one empty pistol, one knife, 370 gram of Charas and illicit liquor were recovered.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case, although allegation is against his son and he was not present at the place of occurrence when police raided the house. Petitioner has no criminal antecedent and is in custody since 03.04.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Madhubani (Town) P.S. Case No. 353 of 2016 subject to the conditions that:-

(1) Bailors should be local having



sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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.

(S. Kumar, J)

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