

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28583 of 2020**

Arising Out of PS. Case No.-470 Year-2019 Thana- DARIYAPUR District- Saran

Sulindar Mahto, Son of Budhan Mahto, Residence of Village - Admapur, P.S.-
Dariyapur, District - Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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

2 05-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday Pratap Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Dariyapur P.S. Case No. 470 of 2019 registered for the offences punishable under Sections 341, 323, 307, 379, 506,34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the illicit liquour has not been recovered from the hut of the petitioner and there is no



specific allegation that he had caused any assault on the informant. It is submitted that the petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein the illicit liquor has not been recovered from the hut of this petitioner and there is no specific allegation that he had caused any assault on the informant as also that petitioner 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 be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum- Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 470 of 2019, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

