

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35362 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- SONBERSA District- Sitamarhi

Rabindra Mahto S/o Dharamdev Mahto Resident of Village-Jainagar, P.S.-
Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr Permeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Sonbarsha Police Station Case No. 136 of 2020, registered for
the offence punishable under Section 414 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, while on patrolling, saw that one Tata
Sumo Victa vehicle along with one motorcycle was standing and
9-10 persons were loading something in the vehicle, reached
near the vehicles and upon seeing the police party, all persons
started fleeing away. However, the police arrested two of them,



namely, Barun Kumar and the petitioner. The police also recovered a total quantity of 586.5 litres of Nepali Saufi liquor from the vehicles in question.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police with oblique motive. He further submits that the petitioner has got no criminal antecedent and he has no concern with the vehicles, in question and the motorcycle belongs to co-accused Barun Kumar. He further submits that the Tata Sumo Victa vehicle is allegedly a stolen one, but the petitioner has been arrested from near the motorcycle, having no concern with the Tata Sumo Victa vehicle. He further submits that similarly situated co-accused, Barun Kumar, has been granted regular bail by this Court, vide order, dated 15.12.2020, passed in Criminal Misc. No. 33375 of 2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused has been granted regular bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is allowed.



Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Sitamarhi, in connection with Sonbarsha Police Station Case No. 136 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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