

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28472 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- ROSERA District- Samastipur

MURARI MAHTO @ MURARI KUMAR Son of Umashankar Mahto @
Umashankar Kamati Resident of Village- Panchagama, Police Station-
Rosera, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to remove
all the defects as pointed out by office within four weeks after start
of normal functioning of the Court.

Heard learned counsel for the petitioner and Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Rosera P.S. Case No. 15 of 2020 registered for the
offences punishable under Section 272/273/34 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.
He is in custody since 02.02.2021 having one criminal antecedent
as stated in paragraph '3' of the application in which he is said to
be on bail.

As per the prosecution story, the informant who is a
Police Sub-Inspector of Police, Rosera alleged that he got secret
information regarding sale and purchase of liquor by the petitioner



in the village Panchgama from the house of Ramanand Rai, he reached at the house of Ramanand Rai but the house was found locked and he learnt that Ramanand Rai along with his family are residing at Kolkata. The informant further alleged that on seeing police party two persons tried to flee away from the house of Ramanand Rai, out of whom one person was arrested and disclosed his name as Sanjay Yadav. The informant further alleged that the person who fled away is said to be Murari Mahto (the petitioner) and from the house of Ramanand Rai altogether 815 bottles of liquor have been recovered and seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the recovery has been made from the house of Ramanand Rai and the similarly situated co-accused Sanjay Kumar @ Sanjay Yadav has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 9526/2020, however petitioner is in custody since 02.02.2021.

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

Having regard to the facts and circumstances of the case wherein the alleged recovery has been made from the house of one Ramanand Rai and similarly situated co-accused Sanjay Kumar @ Sanjay Yadav has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 9526/2020, petitioner has got one



criminal antecedent in which he is said to be on bail, he is in custody since 02.02.2021, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – II – cum – Special Judge (Excise), Samastipur in connection with Rosera P.S. Case No. 15 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

