

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30175 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

PRABHAT KUMAR @ MANTU MAHTO S/o Kishundeo Mahto, Resident
of Village-Parsa Sadan Tole Tiura, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-02-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Sahebganj P.S. Case No. 88 of 2020 registered for the offence under Sections 272, 273 and 414 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that nobody has identified the petitioner and his name has been recorded by the informant who is a police officer without there being any basis for the same. It is also 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, the submission of learned counsel for the petitioner that nobody has identified the petitioner and his name has been recorded by the informant who is a police officer without there being any basis for the same, Mr. Fahimuddin, learned A.P.P. for the State is not controverting the submission that nobody had identified the petitioner, the petitioner has otherwise no criminal antecedent, let the petitioner above named be released on bail in the event of his arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 88 of 2020 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

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

The application stands disposed of accordingly.

(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'.

