

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41398 of 2021**

Arising Out of PS. Case No.-185 Year-2021 Thana- ARA NAGAR District- Bhojpur

MAHTAB ALAM S/o Late Awadat Hussan Resident of Vill - Milki, P.S. - Ara
Nagar, Dist. - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Excise Case No.470 of 2021 arising out of Ara Nagar P.S. Case No.185 of 2021, registered for the offence punishable under Sections 341, 323, 504, 498(A) IPC and section 37(c) of the Excise Act.

Allegation against the petitioner is that the petitioner came to his house in drunken condition and assaulted the informant-wife and when their children came to save her, they



were also assaulted by the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from his conscious physical possession. He has been falsely implicated in this case. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 03.03.2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court, in connection with Excise Case No.470 of 2021 arising out of Ara Nagar P.S. Case No.185 of 2021, with the following conditions:-

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the



petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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