

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1848 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- SANGRAMPUR District- East
Champaran

TAHALU MAHTO @ SHIVA LAL MAHTO @ SHIVA BALAK MAHTO,
aged 52 years, Gender-Male, Son of Jhokhan Mahto, Resident of Village-
Singhourwa Pandey Tola, Uttari Madhubani, P.S.- Sangrampur, District- East
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate.
For the Opposite Party : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-05-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 325, 307,
354, 379, 504/34 of the I.P.C. and 30 (a), 32 and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 10 liters
wine is said to have been recovered from the Motorcycle in
question. The petitioner assaulted the informant with Iron rod
and fractured his left arm.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The injury is said to have been caused on non-vital part of the body of the victim. The petitioner had no intention to commit murder of the victim. Hence, no offence under Section 307 of the I.P.C. is made out. There is no injury report on record. It is alleged that total 10 liters wine is recovered from the Motorcycle in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the



learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari, in connection with Sangrampur P.S. Case No. 180 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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