

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57746 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- MANIGACHI District- Darbhanga

Om Prakash Mahto, S/O Kari Mahto @ Gogal Mahto, R/O Village-Madhu
Tol, P.S- Khanpur, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 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 Mr. Md. Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner in seeking regular bail in connection with Manigachhi P.S. Case No. 143 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

Learned counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 07.04.2021 passed in Cr. Misc. No. 260 of 2021 by this Court with observation that he may renew his prayer for bail after five months. It is further submitted that the petitioner is in custody since 28.09.2020.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the observations of this Court contained



in the order dated 07.04.2021 passed in Cr. Misc. No. 260 of 2021 and taking note of the fact that the petitioner has remained in custody since 28.09.2020 and this Court had granted liberty to the petitioner to renew his prayer for bail after five months, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Manigachhi P.S. Case No. 143 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)

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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'.

