

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2961 of 2022

Arising Out of PS. Case No.-512 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. RAMCHANDRA MAHTO Son of Jagarnath Mahto Resident of Village- Rampur Asli, P.S.- Sahebganj, District- Muzaffarpur.
2. Meena Devi W/o Jadolal Mahto Resident of Village- Rampur Asli, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30(a), 37(c) of the Bihar Prohibition and Excise Act.

Recovery is of 25 liters of country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent,



are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the road side of the land of Ramnath Ram. He further submits that co-accused, namely, Bhairo Rai @ Bhairav Rai, has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No. 1704 of 2022. The petitioners are rotting in judicial custody since 18.11.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sahebganj P.S. Case No. 512 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without



sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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