

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4061 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- KHUTAUNA District- Madhubani

BAIJNATH MAHTO @ BAIDHNATH KUMAR @ BAIDHNATH MAHTO,
SON OF LAXMI MAHTO @ LAKSHAMI MAHTO RESIDENT OF
VILLAGE- SIKTIYAH, P.S.- KHUTAUNA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Khutauna P. S. Case No. 127 of 2020, corresponding to
G.R. No. 1211 of 2020, registered for the offences
punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

As per allegation, 757. 200 litre of Nepali liquor
was recovered from the pond situated near the house of one
Lakshman Mahto. Further allegation is that from the house
of aforesaid Lakshman Mahto and one Lalit Mahto, 439.625
litres of liquor has been recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that alleged involvement of the petitioner in the present case is on the basis of confessional statement of the co-accused before police, which has no legal sanction. No recovery has been made from the conscious possession of the petitioner nor from his house.

The petitioner is in custody since 25.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and



Sessions Judge 2nd cum Special Judge, Excise Act, Madhubani, in connection with Khutauna P. S. Case No. 127 of 2020, corresponding to G.R. No. 1211 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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