

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42880 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- BIBHUTIPUR District- Samastipur

MINTU KUMAR @ BRAJESH KUMAR SINGH Son of Dhrub Narayan
Mahto Resident of Village - Singhiya Ghat, Ward No. 8, Police Station -
Bibhutipur, District - Samastipur.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Lakshmindra Kumar Yadav, Advocate.
For the State : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 09-02-2022 The applicant is given out of turn hearing because of
death of his father.

The applicant is an accused in Crime No.54 of 2020
registered with Police Station-Bibhutipur for the offences
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

The learned counsel for the applicant argued that the
applicant was not arrested on the spot and those who are
arrested on the spot are already released on bail. It is further
argued that the applicant is not having any criminal antecedents
and he is languishing behind the bar for the last eight months.

The learned A.P.P. opposed the application by contending
that the name of the applicant has surfaced on record during



investigation on the basis of statement of the co-accused and liquor in huge quantity came to be seized.

I have considered the submissions so advanced and also perused the materials placed before me.

A raid was conducted at the house of Sunil Kumar Mahto. He along with one Amir Kumar Sahni came to be arrested on the spot. These co-accused, as seen from the F.I.R., have stated the name of the applicant in the subject crime. It is a confession made before the police. The investigation of the crime in question is over. Hence, I see no reason for continuation of pretrial detention of the applicant and therefore the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.54 of 2020 registered with Police Station-Bibhutipur for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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