

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35483 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- AMARPUR District- Banka

Mukesh Kumar Mahto @ Mukesh Mahto Son of Raghu Mahto R/O Village-
Dharmmodih, P.S.- Godda, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amarpur
P.S. Case No. 189 of 2022 registered for the offence under
Sections 272, 273, 302, 328, 325 and 34 of the Indian Penal
Code and under Sections 33, 34 and 38(B) of the Excise and
Prohibition Amendment Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.04.2022.

The allegation against the petitioner is to involve in
trading of spurious liquor, where after consumption of spurious
liquor, two persons died and one person lost his vision.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Changuri Yadav, and in furtherance thereof, nothing incriminating surfaced/recovered during course of investigation, which may connect this petitioner with present set of occurrence. It is submitted that admittedly, this is not a case of recovery of illicit liquor from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the state, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation to connect this petitioner with present set of occurrence, in furtherance of confessional statement of co-accused coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 189 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Raghu Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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