

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63594 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- SONO District- Jamui

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1. JITENDRA MAHTO @ JITENDRA KUMAR @ PHOTO MAHTO Son of Late Nawal Kishore Prasad Resident of Muhalla- Nai Saray, P.S.- Bihar, District- Nalanda.
 2. Diwakar Kumar Son of Surendra Prasad Singh Resident of Muhalla- Kathal Jhula, P.S.- Sohsarai, District- Nalanda.
 3. Deepak Kumar @ Bara Babu Son of Jagdish Gope Resident of Village- Bakra, P.S.- Pawapuri (Giriyak O.P.), District- Nalanda.

... .. Petitioners.

Versus

The State of Bihar.
Party/s

... .. Opposite

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-03-2022 At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner nos.2 & 3, submitting that during pendency of this application petitioner no.2 has died and petitioner no.3 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner nos.2 & 3 only.

Now, this bail application is only in respect of petitioner no.1-Jitendra Mahto @ Jitendra Kumar @ Photo Mahto.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual Court proceedings.



Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a) & 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 1964.70 liters of foreign liquor is said to have been recovered from a truck. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been falsely implicated in this case at the instance of his enemy.

Petitioner is agreed to deposit a sum of Rs.1,00,000.00 (Rupees One Lakh) in the account of Bihar Kishore Nyay Nidhi, bearing Saving Bank Account No.35094613009, IFSC Code: SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna, Branch Code 153.

Having regard to the facts and circumstances of the



case, let petitioner no.1-Jitendra Mahto @ Jitendra Kumar @ Photo Mahto, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Sono P.S. Case No. 161 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.1,00,000.00 (Rupees One Lakh) in the account of Bihar Kishore Nyay Nidhi.

(Anjani Kumar Sharan, J)

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