

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34068 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- SONBERSA District- Sitamarhi

Ram Ekwat Mahto S/o Ram Nandan Mahto Resident of Jainagar, P.S.-
Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 102 of 2021, registered for the offences punishable under Sections 414 of the Indian Penal Code and Section 21(b) of the N.D.P.S Act.

As per allegation, 16 pieces of Anyflanflan cough syrup, each of 100 ml and Nitrosum tablet, 36 strips (360 tablets) has been recovered from the shop of the one Kishan Kumar further 760 bottles and 120 bottles of cough syrup has been recovered from the houses of Ram Ekwat Mahto and Rajesh Kumar respectively. .



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has not been made from the personal possession of the petitioner but it has been made from a house which is in joint possession of the co-sharers and the petitioner.

It has further been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one more case in which he is on bail. He also submits that the petitioner has been languishing in jail since 26.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner had moved earlier before this Court for grant of anticipatory bail vide Cr. Misc. No. 38344 of 2021.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner 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 Ld. Special Judge, Sitamarhi in



connection with Sonbarsa P.S. Case No. 102 of 2021, **after framing of charge, if not already framed** 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 criminal antecedent other than the disclosed one, the Ld. 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 Ld. counsel for the petitioner is directed to remove all the defects, if any, 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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