

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34228 of 2023**

Arising Out of PS. Case No.-378 Year-2019 Thana- PAROO District- Muzaffarpur

LAKHINDRA MAHTO @ BABLOO MAHTO Son of Nandan Mahto
Resident of village - Mirganj, P.S. - Paroo, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehending arrest in connection with Paroo P.S. Case No. 378 of 2019 instituted under Sections 341, 323, 379, 504, 506, 509/34 of the Indian Penal Code lodged on 18.9.2019 by the informant Reeta Devi.

As per the prosecution story, the allegation against the petitioner is of using D.J. with vulgar songs on high volume and upon protest, the assault. On alarm, they escaped leaving behind the motorcycle from which one bottle wine was recovered. Accordingly, the FIR.

Learned counsel for the petitioner submits that the allegation is omnibus in nature and further the recovery/seizure of the wine is from the motorcycle which does not belong to him.

Mrs. Sucheta Yadav, learned APP opposes the prayer submitting that the petitioner was using vulgar songs in front of



the door of the informant, who is a lady and as such he does not deserve the privilege of anticipatory bail.

Though, the use of D.J. has become a menace to the Society and the high volume of it definitely affect ears, what to say about the vulgar songs that were being aired in front of the informant's house, a lady taking into account the fact that the allegation is omnibus in nature and the wine has not been recovered from the motorcycle of the petitioner, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Paroo P.S. Case No. 378 of 2019 to the satisfaction of learned Exclusive Spl. Judge Excise, Court No. II, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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