

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44962 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- BIBHUTIPUR District- Samastipur

RAJEEV KUMAR @ RAJIV KUMAR son of Krishna Kumar Mahto @
Krishna Mahto @ Kari Mahto Village- Singhia Buzurg Uttar Ps- Bibhutipur
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioner and Mr.
Akbar Ali who represent the State.

The petitioner apprehend his arrest in connection with Bibhutipur P.S. Case No. 02 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, lodged on 02.01.2023 by the informant Sandeep Kumar Pal.

As per the prosecution story, on 02.01.2023, on secret information about sale of liquor by accused persons, the police reached near the house of Krishna Mahto but they escaped. Altogether, 963 liters and 107 cartons were recovered in front of the 'hut' of Krishna Mahto @ Kari Mahto. Accordingly the FIR.

The case of the petitioner is that due to local enmity,



his name has been dragged in, nothing to do with the alleged recovery and actually because he is the son of the said Krishna Mahto, implication.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that the alleged recovery from the '*hut*' in front of the house of Krishna Mahto, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise-1, Samastipur in connection with Bibhutipur P.S. Case No. 02 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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