

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55645 of 2023

Arising Out of PS. Case No.-799 Year-2023 Thana- PHULWARISHARIF District- Patna

Mithilesh Mahto, Son of Rajendra Mahto Mohalla Bhusaula Ps Fulwari Sharif
Distt Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 Heard Mr. Dhananjay Kumar Tiwary, learned counsel
for the petitioner as well as Mr. Akshay Lal Pandit, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Special Case No.4750 of 2023 arising out of Phulwarisharif P.S. Case No.799 of 2023, F.I.R. dated 02.06.2023 registered for the offence punishable under Sections 370 of the Indian Penal Code and Section 3/4/5/6/7/8 of Immoral Traffic Prevention Act, 1956 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to found involved in immoral practice, as so caught by raiding party in compromising position. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated



in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that in fact the petitioner is landlord of the guesthouse in question and he has rented the said premises to one Ranjeet Kumar vide an agreement dated 07.01.2023 for the period of three years and the petitioner has no concern at all with the alleged occurrence and the petitioner has been made an accused only on the ground that he is owner of the guesthouse in question.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.4750 of 2023 arising out of Phulwarisharif P.S. Case No.799 of 2023, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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