

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63991 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- LAKHNAUR District- Madhubani

DINESH MAHTO, SON OF LATE BOUKU MAHTO, R/O VILLAGE-
RUPAULI, P.S.- LAKHNAUR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Lakhnaur P.S. Case No. 201 of 2021 registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 1199.400 litres IMFL from the fodder house belonging to the petitioner.

Learned counsel for the petitioner submits that the fodder house is accessible to one and all. The petitioner cannot be fastened criminal liability from any recovery even if made from the same, though he denies and disputes the recovery altogether. Co-accused person has been allowed bail in *Cr. Misc. No. 39496 of 2022*. Petitioner having no antecedents in custody since 01.09.2022 .



Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Jhanjharpur, in connection with Lakhnaur P. S. Case No. 201 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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