

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4326 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- MANIYARI District- Muzaffarpur

MITHUN KUMAR @ MITHUN MAHTO Son of Bhajan Sah R/V-
Vishunpur Gidhha, P.S- Maniyari, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2023 Heard Mr. Shivanand Singh, learned counsel

appearing on behalf of the petitioner and learned A.P.P. for the

State.

2. The petitioner seeks regular bail in connection with
Maniyari P.S. Case No. 63/2021 for the offences punishable
under Sections 272, 273, 302, 328/34 of the IPC and Section 34
of the Excise Act.

3. The prosecution story, in brief, is that the petitioner
used to sale illicit liquor and certain items like samosa and other
snack. A case has been lodged by the Police (informant) on the
ground that the deceased Guddu Sah died after consuming
illicit liquor from the shop of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner informs this Court that vide order dated 31.3.2022



passed in Cr. Misc. No.41761 of 2021, the petitioner was directed to be released on bail by this Court but while furnishing the bail bond before the learned Special Judge Excise, Muzaffarpur, one criminal case bearing Maniyari P.S. Case No.26 of 2017 was found registered against him for the alleged commission of offence under Section 498(A) of the IPC, accordingly, the bail bond of the petitioner was not accepted. Now the present bail application has been filed by the petitioner for grant him regular bail.

5. The learned counsel further submits that only one case was pending as on date of filing of the earlier bail application against the petitioner and now he has given a detailed list of cases pending against him. The petitioner is in jail custody since 28.02.2021 and seeks to be released him on bail.

6. Learned A.P.P. for the State has opposed the prayer for grant of regular bail to the petitioner.

7. This Court, vide order dated 31.03.2022 passed in Cr. Misc. No.41761 of 2021 had directed the petitioner to be released on regular bail after considering the fact that no incriminating material has been found against him by the Investigating Officer and the charge-sheet has already been



submitted and the trial is likely to be concluded in near future.

8. Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Muzaffarpur in connection with Maniyari P.S.Case No.63 of 2021, subject to the following conditions:-

- (i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps for cancellation of bail bonds.
- (v) The court below is directed to verify the criminal antecedent of the petitioner as stated I paragraph no.3 of the bail application. If any other case is pending against against the petitioner as what has been stated in paragraph no.3, this order will loose its force automatically.

(Purnendu Singh, J)

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