

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15899 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- RAHIKA District- Madhubani

1. Raman Mahto Son of Matwar Mahto R/o Village- Datuar, Police Station- Khajauli, Dist.- Madhubani
2. Kanhaiya Mandal Son of Jhalu Mandal R/o Village- Datuar, Police Station- Khajauli, Dist.- Madhubani
3. Sunil Mahto @ Sunil Kumar Mahto Son of Vinod Mahto R/o Village- Datuar, Police Station- Khajauli, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Rahika P.S. Case No. 276 of 2023 instituted for the offences under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on receipt of secret information, the police was searching the vehicles. In the meanwhile, three persons on two motorcycles loaded with bags were seeing coming. On seeing the police party, they tried to escape but were arrested and disclosed their names as Raman



Mahto, Sunil Kumar Mahto and Kanhaiya Mandal (petitioners).
On search, the police recovered 108 liter illicit liquor from the bag loaded on two motorcycles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioner no.1 has two criminal antecedents whereas petitioner no.2 &3 have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 17.12.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of
Court below/concerned Court in connection with Rahika P.S.
Case No. 276 of 2023.

(Rudra Prakash Mishra, J)

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