

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29153 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- MADHAURAH District- Saran

1. Munna Mahto S/o Tuntun Mahto R/o vill - Mirjapur, P.S. - Marhowarh, Distt. - Saran at Chapra
2. Sobhnath Mahto @ Sunil Mahto S/o Tuntun Mahto R/o vill - Mirjapur, P.S. - Marhowarh, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Tiwary

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 332, 333, 307 and 353 of the I.P.C. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 75 litres of liquor from a bush near a canal.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged



recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chaukidar with whom they are on an inimical term. It is also submitted that police in mechanical manner implicates either at the instance of the Chaukidar or local person. It is further submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Marhowrah P. S. Case No.746 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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