

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35602 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- RAHIKA District- Madhubani

1. Pappu Kumar Mahto Son of Late Shivaji Mahto Resident of Village - Belwaganj, Ward No.- 36, P.S.- Lehariasarai, District - Darbhanga.
2. Subbi Devi Wife of Mohan Kumar Prasad Resident of Mohalla - Hanuman Nagar Bhatiyarisarai, Ward - 17, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhumala Kumari

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-07-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Rahika P.S. Case No. 133 of 2023 for the offence registered under sections 272, 273, 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 28.06.2023 by the informant, Rahul Kumar.

3. As per the prosecution story, the informant upon secret information intercepted two motorcycles and recovered/seized altogether 87.600 liters of illicit liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioners submits that



only because of motorcycles belongs to them, implicated. Actually it was taken away by the local villagers, which resulted into their implication and they are ready to diligently appear in the trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they own the motorcycle from which alleged recovery took place.

6. Taking into account the fact their alibi that it was taken away by the villagers, FIR lodged and they will be facing the trial, this Court is inclined to extend privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-2nd-cum-Special Judge Excise Act, Madhubani in connection with Rahika P.S. Case No. 133 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his bona fide;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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