

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66138 of 2024**

Arising Out of PS. Case No.-327 Year-2018 Thana- SHAHPUR PATORI District- Samastipur

Mitan Kumar @ Mitna @ Amit Kumar S/O Rajkumar Rai @ Rajkumar Ray  
R/o Village- Tara Dhamanu, P.S- Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                             |
|----------------------|---|-------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shashank Shekhar, Advocate<br>Ms. Mili Kumari, Advocate |
| For the State        | : | Mr. Bharat Bhushan, APP                                     |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      27-09-2024                      Heard Ld. counsel for the petitioner and Ld. APP for  
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Shahpur Patori PS. Case No.-327 of 2018 dated 03.10.2018, registered for the offences punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016 and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per allegation there is recovery of illegal liquor and some arms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no recovery from his



possession. Moreover, the only allegation against him is that he had fled away from the place of occurrence. He further submits that similarly situated co-accused Akhilesh Ray @ Goliya has been enlarged on bail by this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 69357 of 2022.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-02, Samastipur, in connection with Shahpur Patori PS. Case No.-327 of 2018, subject to the conditions as laid down under Section 438 (2)



Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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