

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86360 of 2023

Arising Out of PS. Case No.-378 Year-2019 Thana- PAROO District- Muzaffarpur

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Anil Kumar @ Anil Mahto @ Anil Mahato Son Of Gulab Chandra Mahato
Resident Of Village- Chaturpatti, Pakauli Urf Lalu Chhapra, Ps- Paroo, Dist-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Paroo P.S. Case No. 378 of 2019 registered for the offences punishable under Sections 341, 323, 379, 504, 506, 509, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. As per the prosecution story, on 18.09.2019 at about 05:00 P.M., the petitioner and ten unknown persons came at the door of the informant with DJ and started playing vulgar songs in front of his door. On protest, the petitioner along with other accused persons assaulted the informant, meanwhile one Ashok Patel reached there with his motorcycle and started



assaulting son of the informant and on raising alarm, he fled away leaving behind his motorcycle in which a bottle containing 180 ml of wine was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the motorcycle does not belong to the petitioner. It is submitted that the allegations are general and omnibus in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the uncontroverted submission of learned counsel for the petitioner that the allegations are general and omnibus in nature, the motorcycle does not belong to the petitioner and the petitioner was not present at the spot and has no nexus with the alleged DJ, he has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Paroo P.S. Case No. 378 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No. II,



Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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