

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13250 of 2026

Arising Out of PS. Case No.-730 Year-2021 Thana- SARAIYA District- Muzaffarpur

Butan Mahto S/O Late Bhola Mahto Resident of Village- Rauli, P.S.- Jaitpur,
(old Saraiya), Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Saraiya (Jayattpur O.P.) P. S. Case No.730 of 2021
registered for the offences punishable under Sections 272,
273, 328, 307, 302/34 and 120(B) of the I.P.C. and Sections
30(a), 30(c), 37(B) of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner is a person with clean antecedent and is a
a senior citizen aged about 71 years and allegation is of
recovery of 750ml of liquor along with Rs.48,735/- in cash
and empty bottles from shop of Ram Ekbal Singh. Further,
half filled bottles of 375ml whiskey and 10ml in 180ml



bottles of whiskey from shop of Manoj and Anoj Rai. It is next alleged that a person named Hemant Mishra died after consuming poisonous liquor in Vishambharpur village and two others are undergoing treatment in private hospital.

4. The learned counsel for the petitioner submits that petitioner is not named in the FIR, as such, nothing was recovered from his conscious possession and he has no concern or relation with Ram Ekbal Singh, Manoj and Anoj Rai. It is also submitted that his name transpired during the course of investigation after two years. It is next submitted that similarly situated co-accused Lotan Mahto had approached this Court seeking anticipatory bail by filing Cr. Misc. No.57342 of 2022 and the same came to be allowed by an order dated 04.07.2023, thus the petitioner based on parity seeks anticipatory bail. It is reiterated and submitted that petitioner is a senior citizen aged about 71 years.

5. Learned A.P.P. opposes the anticipatory bail application of the petitioner and submits that Vijay Kumar @ Bijendra Kumar @ Bijendra Singh had approached this Court seeking anticipatory bail by filing Cr. Misc. No.10201 of 2026 and the same came to be rejected by an



order dated 15.04.2026, thereafter Ramdeo Mahto also approached this Court seeking anticipatory bail by filing Cr. Misc. No.12620 of 2026 and the same also came to be rejected by an order dated 15.04.2026, but then, the learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned A.P.P. and submits that persons whose anticipatory bail applications have been rejected, were having criminal antecedent and the age was also not on their side. It is further submitted that petitioner has remained a person with clean antecedent althroughout his life and in the instant case though he is not named, but subsequently during the course of investigation, his name transpired. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. After hearing the learned counsel for the parties, the petitioner and taking the age of the petitioner in consideration, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of



Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Saraiya (Jaitpur O.P.) P. S. Case No.730 of 2021, subject to the conditions laid down under Section 482(2) of the BNSS.

7. The application stands allowed.

(Satyavrat Verma, J)

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