

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58429 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -BASANTPUR District- -

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1. Sanjay Chaudhary Son of Pyarchand Chaudhary R/o Village Khoripakar,
P.S. Basantpur, District Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Basantpur P.S. Case No. 216 of 2015 registered for the offences punishable under Sections 284, 328, 272, 273, 308 and 302 of the Indian Penal Code and Section 47 (a) of the Excise Act.

Allegedly, Birendra Yadav, son of the informant, consumed liquor on 9.10.2015 at the place of co-accused Bhirgu Ram in the night. In the morning his condition deteriorated and he stated that he consumed liquor at the place of Bhirgu Ram and subsequently he died. The petitioner is not named in the FIR but his name sprang up in the confession of co-accused Bhirgu Ram that the petitioner has supplied the liquor.

Submission is of false implication and that the

similarly situated co-accused Vijay Singh has already been allowed pre-arrest bail by another co-ordinate Bench of this Court vide order dated 15.12.2015 passed in Criminal Miscellaneous No. 56663 of 2015 and the petitioner is suffering in custody since 11.10.2015.

Learned A.P.P. fairly submits that the co-accused Vijay Singh, has been allowed pre-arrest bail.

In the facts and circumstances stated above, considering that the deceased has not named the petitioner and as such the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Om Shankar, Judicial Magistrate, 1st Class, Siwan in connection with Basantpur P.S Case No. 216 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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