

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53894 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -DHURAIYA District- BANKA

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1. Mukesh Shah Son of Late Dhani Shah @ Dhaneshwar Shah Resident of village - Joki, Police Station - Dhoraiya, District – Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Kr. Virendra Narayan (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 15-02-2016

Heard Mr. Viveka Nand Singh for the petitioner and

Mr. Kumar Virendra Narayan, APP, for the State.

Petitioner apprehends his arrest in Dhoraiya P.S.

Case No. 201 of 2015 registered under Sections 307, 328 and 302 of the Indian Penal Code.

The prosecution case is that one Bimal Sah brought a bottle of country made liquor and he along with father of the informant consumed whereafter both of them started vomiting. Subsequently, the father of the informant died.

Contention of the petitioner is that except the statement of Bimal Sah that he brought the bottle of country made liquor from the petitioner, there is nothing on record that the petitioner deals in vending of liquor. In fact, the petitioner deals in Poultry Farm and the medicine kept for the chickens was by mistake taken away by one of the persons named in the F.I.R.

which was consumed resulting in death of the father of the informant. In whole of the prosecution report, there is no motive assigned thereto. Petitioner has no criminal antecedent.

In the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Pankaj Chouhan, Judicial Magistrate, 1st Class, Banka in Dhoraiya P.S. Case No. 201 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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