

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6678 of 2016

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

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1. Sheo Raj Prasad Son of Kuwar Sah @ Kuwar Prasad resident of village
- Nanour, P.S. Sahar, District - Bhojpur

2. Kundan Kumar Son of Bhagwan Mahto resident of village - Bagi
Bardila, P.S. Warsaliganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

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

Allegedly, Birendra Yadav @ Bedar drunk liquor from the
liquor shop of Bhirgu Ram and in the morning he started vomiting but
during treatment at Sadar Hospital at Siwan, Birendra Yadav died.
During investigation Bhirgu Ram disclosed that the wine was
purchased from government liquor shop where the petitioners work as
Manager and Salesman.

Submission is of false implication of the petitioners, there
is no legal and tangible material against them, sample of liquor seized

was sent for chemical examination and during the examination nothing wrong was found, during the pendency of the matter the shop, where the petitioners work, was sealed but on the receipt of the report of Excise Department the Collector, Siwan took the decision to re-open the shop vide annexure-2. From post mortem report of the deceased it reveals that due to excessive liquor intake the deceased died and as such the petitioners who are suffering in custody since 21.11.2015 deserve sympathetic consideration to which learned APP does not oppose.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Om Shankar, J. M. Ist Class, Siwan in connection with Basantpur P.S. Case No. 216 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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