

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44343 of 2016

Arising Out of PS.Case No. -428 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

- =====
1. Mantu Kumar, son of Late Arvind Chaudhary.
 2. Lila Chaudhary, son of Raghunandan Chaudhary, Both resident of Village- Uprawan, P.S.- Bihar District- Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

22 22-10-2016

Heard leaned counsel for the petitioners and the leaned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihar P.S. Case No.428 of 2015, registered under Sections 328 and 302/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Nalanda at Biharsharif.

The accusation is that eight persons named in the F.I.R., including the petitioners, are belong to 'Pasi' community and they secretly used to make country made liquor in their houses. On 16.09.2015, Sudhir Kumar, son of the informant, was called by petitioner No. 1 Mantu Kumar to take liquor. On the same day, after taking liquor, Sudhir Kumar, son of the informant, returned to his house and started vomiting and complained for stomach pain and he started crippling on the earth. Thereafter, he informed that he was

administered poisonous liquor by petitioner Mantu Kumar. The informant rushed to his son in unconscious stage at the clinic of Dr. Laxman at Biharsharif from where he was referred to PMCH, Patna, but son of the informant died before the reaching of PMCH, Patna.

Learned counsel for the petitioners submit that petitioner no.2 Lila Chaudhary is named in the F.I.R. but no any overt act has been attributed against him, while it is alleged about offering poisonous liquor to deceased son of informant.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.1 Mantu Kumar, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands **rejected**.

So far as petitioner No.2 Lila Chaudhary is concerned, he is directed to be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Bihar P.S. Case No. 428 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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