

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23776 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -JIRADEI District- SIWAN

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1. Mukesh Kushwaha @ Mukesh Kumar, Son of Ram Ratan Prasad, Resident of Village- Tekari, P.S.- Husainganj, District- Siwan.
 2. Rakesh Kumar Chaudhary, Son of Uma Shankar Chaudhary,
 3. Shailendra Kumar @ Sailendra Kumar Chaudhary, Son of Rama Ji Chaudhary.
 4. Raj Kumar @ Raj Kumar Chaudhary, son of Uma Shankar Chaudhary, 2 to 4 are resident of Village- Tetariya, P.S.- Husainganj, District- Siwan.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 21-11-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ziradei P.S. Case no. 02 of 2017, registered under Sections 279, 337, 338 and 304 (A) of the Indian Penal Code and Sections 30 and 38 of the Bihar Excise Prohibition Act.

The accusation is that on receiving secret information about sustaining grievous injury by the four persons and simple injury by one person due to accident of motorcycle at Ziradei. The informant and other Police officers reached there then persons present there disclosed that one person who sustained slight injury fled away from there and four persons were rushed for treatment. On the spot, a bag was recovered containing 190 bottles each containing 200 ML of country made liquor. The Police reached at hospital, the three persons



who were under treatment disclosed their name Mukesh Kushwaha, Rakesh Kumar Choudhary and Shailendra Kumar (Petitioner Nos. 1, 2 and 3) and disclosed that Rajan Kumar died in course of treatment. They also disclosed the name of the person, who succeeded to flee away as Raj Kumar (Petitioner No.4).

Learned counsel for the petitioners submits that it would appear from the F.I.R. that four persons sustained injury due to accident of the motorcycle in which one person died in course of treatment and one succeeded to flee away from there and a bag containing 190 bottles each containing 200 ML of country made liquor was recovered from the spot petitioner Nos. 1,2 and 3 were injured and rushed for treatment and petitioner No.4 succeeded to flee away. Further submission is that, in fact, petitioners have been falsely implicated in this case and they have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-I, Siwan in connection with Ziradei P.S. Case No. 02 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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