

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25353 of 2017

Arising Out of PS.Case No. -348 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Gautam Patel, S/o Laxman Prasad, R/o Village- Harakhua, P.S.- Gopalganj,
District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-06-2017 Heard Mr. Shubhesh Pandey, learned counsel for the

petitioner and Mr. Ganesh Prasad Singh, learned Additional Public

Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Gopalganj P.S. Case No. 348 of 2016 registered for the
offences under sections 328, 304, 120(B)/34 of the Indian Penal
Code read with sections 50 and 22 (a), (b), (c) of the Bihar Excise
Amendment Act, 2016.

The First Information Report would disclose that due
to consuming poisonous liquor, many people fell ill and some of
them were admitted in a serious condition while some other died.
In course of verification from the persons admitted it transpired
that they consumed poisonous liquor at the house of Nagina Pasi



and thereafter, they fell ill. First Information Report specifically alleged that the said Nagina Pasi was involved in selling wine. Some other persons are also named in the First Information Report who are said to have involved, however this petitioner is not named in the First Information Report.

Learned counsel for the petitioner submits that the name of the petitioner transpired in the confessional statement of one Kundan Kumar, who is also not named in the First Information Report. He further submits that the petitioner has got no criminal antecedent and has been falsely implicated without there being any other materials corroborate his involvement. He also draws my attention to Annexure-2 to this petition, which is the order dated 08.05.2017 passed in Cr. Misc. No. 13219 of 2017 by a co-ordinate Bench of this Court has granted bail to the other accused persons.

Learned APP opposed the prayer for bail, but could not satisfy the Court as to any distinct feature with respect to the case of the present petitioner. The petitioner is in custody since 26th December 2016.

Considering the fact that the name of the petitioner transpired in the confessional statement of co-accused Kundan Kumar, who is also not named in the First Information Report and



that the investigation is over, other co-accused persons have already been granted bail by a coordinate bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj/Successor Court in connection with Gopalganj P.S. Case No. 348 of 2016, subject to the condition that one of the bailors shall be a family member of the petitioner having no criminal antecedent.

Accordingly, this application is disposed of.

(Rajeev Ranjan Prasad, J)

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