

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9841 of 2018

Arising Out of PS.Case No. -51 Year- 2017 Thana -KACHHAWA District- SASARAM (ROHTAS)

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AJIT SINGH @ JUGARI SINGH @ JUGARI, S/o Ramayan Singh, R/o
Village- Saraiya, P.S.- Kachhwa, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate.

For the Opposite Party : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
30.10.2017 in a case for the offence registered under Sections 302,
328/34 of the IPC, 30(a), 34(a), 34(b), b(i), b(ii), 35 and 38 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that Dhanjit Kumar
Singh, the brother of the informant Santosh Kumar Singh, had
come to the house from Odissa on the occasion of *Chhath Festival*
on 22.10.2017. In the night of 27.10.2017, Dhanjit Kumar Singh
felt restlessness, then, on query by the informant, he disclosed that
on 26.10.2017, he had taken the liquor at the house of Shashi
Singh. While Dhanjit Kumar Singh was rushed to the hospital but



he died. The informant further came to know that Kamlesh Singh, who had also taken the liquor at the house of Mukesh Singh, also died in course of treatment whereas Harihar Singh, who had also taken the liquor at the house of Shashi Singh, also died. Later on, the informant came to know that the liquor was supplied to the aforesaid deceased by Antim Lal Singh, Sonu Thakur and this petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused in the present case merely on the basis of suspicion. There is no substantive evidence to suggest the implication of the petitioner in the present case. In respect of the accusation made against the petitioner, no search and seizure has been made against the petitioner or his residence in question. Hence, the recovery of any incriminating article from possession of the petitioner does not arise. Even the confessional statement of the petitioner made before the police, has not led to any recovery. Other co-accused Sonu Thakur with similar accusation has been granted bail by another co-ordinate Bench of



this Court vide Cr. Misc. No. 7374 of 2018 dated 08.02.2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Kachwa P.S. Case No. 51 of 2017.

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(Sudhir Singh, J)

