

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28756 of 2019**

Arising Out of PS. Case No.-514 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

SUNY PARIT Son of Resident of Village-Dhanauti, P.S.-Dhanauti O.P.,
District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 514 of 2018,
registered for the offences punishable under Sections 302, 328,
120 (B)/34 of the Indian Penal Code.

Brother of the informant is said to have taken by the
co-accused Munna Yadav, Akbar Mian, Anish Ram and Sonu
Kumar for dining and taking liquor. They took liquor in the shop
at Rampur Bazar. In the meantime co-accused Subhash Pandit
arrived there and gave some liquid substance to his brother.
After consuming the said liquid the condition of the brother of
the informant started deteriorating. In the meantime seeing his



condition serious Sonu Kumar and Akbar Miyan took him at the shop of informant. He was rushed him to Sadar hospital Siwan but was declared brought dead by the doctor.

It is submitted by the learned counsel for the petitioner that petitioner has no concern with the aforesaid occurrence. He is not named in the F.I.R. There is nothing in case diary to indicate the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused Anish Ram and disclosure of the co-accused Sonu Kumar which has no evidentiary value in the eyes of law and the same is not admissible against the petitioner. No one has seen the petitioner at the place of occurrence. Co-accused Anish Ram has been enlarged on bail by a co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 70709 of 2018 vide order dated 19.12.2018. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Siwan in connection with Muffasil
(Dhanauti O.P.) P.S. Case No.514 of 2018, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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