

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3239 of 2020

Arising Out of PS. Case No.-750 Year-2018 Thana- MOTIPUR District- Muzaffarpur

1. Sanjay Rai, Male, aged about 30 years
2. Vijay Rai @ Vijay Ray, Male, aged about 25 years
Both sons of Sri Nathuni Rai, Resident of Village-Senduari Gaj Singh, P.S.-
Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 20-03-2020 Heard learned counsel for the parties.

The petitioners seek bail in Motipur P.S. Case No. 750 of 2018 registered for the offence under Sections 302/120B/328/34 of the Indian Penal Code and Section 33/34(a) (b) of Bihar Prohibition and Excise Act, 2016.

As per F.I.R., it is alleged that on 23-08-2018 in the evening, the informant's husband went out of his house saying that he was going to the shop of petitioners for taking *Toddi*, but he did not return. Subsequently, on next date at 5:00 AM, the informant came to know that her husband was lying senseless at the Bathan of his uncle. Thereafter, when she went there, she saw her husband lying dead and smell of raw spirit was coming out from his mouth. It is further alleged in the F.I.R. that 35



liters of spirit was recovered by the villagers behind the house of informant's neighbour Nawal Giri.

It is submitted on behalf of petitioners that there is no specific allegation against the petitioners. It is further submitted that nothing has been recovered either from the house or shop of the petitioners, rather the spirit has been recovered behind the house of co-accused Nawal Giri, who has already been granted bail by this Court, vide order dated 29-03-2019 passed in Cr.Misc. No. 2600 of 2019. It is further submitted that in the F.I.R. there is nothing to show that petitioners had any intention to kill the deceased. Petitioners are in custody since 15-11-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 750 of 2018.

(Prabhat Kumar Singh, J.)

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