

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23593 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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SHRAVAN RAM SON OF MAHESH RAM R/O VILLAGE-
RAMGARHWA RUPDIH, P.S.- MOTIHARI MUFFASIL, DIST.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-12-2021 Heard the learned counsel for the petitioner and Sri
Pramod Kumar Pandey, the learned APP for the State.

The petitioner seeks regular bail in connection
with Muffasil PS case no. 109 of 2020 instituted for the offences
punishable under Sections 328, 302/34 of Indian Penal Code.

The allegation is regarding the accused persons
including the deceased having engaged in consuming liquor
while they were sitting together and it is alleged that the
deceased was found dead after some time.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is having a clean antecedent.
The learned counsel for the petitioner has further submitted that



the petitioner is languishing in custody since 14.10.2020. It is further submitted that there is no eye-witness to the alleged occurrence and the possibility of the deceased having died on account of consuming poisonous liquor cannot be ruled out.

Upon going through the case diary in question, the learned APP for the State has submitted that though there is no eye- witness to the alleged occurrence but in paragraphs no. 7, 8 and 9 of the case diary, witnesses have disclosed that the deceased was seen in the company of the accused persons including the petitioner herein consuming liquor.

Upon a query made by this Court as to whether any injury has been found on the person of the deceased, the learned APP for the State, after going through the post mortem report, submits that no injury has been found on the body of the deceased.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that *prima facie*, it cannot be said that the petitioner is guilty of the offences alleged, inasmuch as no injury has been found on the person of the deceased which is apparent from the injury



report and moreover, there is no eye-witness to the alleged occurrence. The petitioner is also stated to be languishing in custody since 14.10.2020 having a clean antecedent. Thus, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil PS case no. 109 of 2020.

(Mohit Kumar Shah, J)

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