

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37853 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- KATRA District- Muzaffarpur

Awadhesh Kumar Son Of Late Jageshwar Mishra @ Jago Mishra At Present
Resident Of Mohalla Khabra Road Chamrupur P. S. Sadar, District
Muzaffarpur. R/O Village - Jannipur, P.S. - Naanpur, District - Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. RR Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 272, 273, 304, 328, 302,
201, 34 of the Indian Penal Code and under Section 34 of the
Bihar Prohibition & Excise Act.

As per the prosecution case, Ramchandra Manjhi and
his wife died due to drinking of illicit liquor sold by co-accused,
Mukesh Singh and other accused persons.

Learned counsel appearing for the petitioner submits
that petitioner is not named in the FIR. The name of petitioner
has come in this case during the course of investigation in the
confessional statement of co-accused, Gangeya Devi who
disclosed that one day prior to the alleged occurrence liquor



trader Mukesh Singh along with his wife, son, the petitioner and three others, came with one bag of liquor and gave the same to Ramchandra Manjhi for selling and drinking and thereafter Ramchandra Manjhi and his wife died. Thrust of allegation is against co-accused Mukesh Singh and not against the petitioner who is in custody since 22.02.2021 and investigation in this case is complete. Several similarly situated co-accused have already been allowed bail by this Court vide order passed in Cr.Misc.No. 35710/2021 and 36884/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in connection with Katra PS case No. 30/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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