

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9666 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- LAURIA District- West Champaran

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AMRESH RAM S/o Late Jhulan Ram Resident of Village- Deurwa, P.S.-
Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 12288 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- LAURIA District- West Champaran

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AJAY CHAUDHARY Son of Birjhan Chaudhary Resident of Village-
Deurwa, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 9666 of 2022)

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 12288 of 2022)

For the Petitioner/s : Mr. Zainul Abedin, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-08-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for the

offence under Sections 272, 273, 328, 307 and 34 of the Indian

Penal Code and Section 33, 34(a), 34(b), 34(b)(ii), 34(B)(iii) of

the Bihar Prohibition and Excise Act.

According to the prosecution, the father of the



informant is said to have died after consuming noxious liquor.

Learned counsel appearing for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that it appears from the F.I.R. that the informant herself stated in the F.I.R. that her husband went to take wine in the house of co-accused, Ram Briksh Choudhary and his wife namely, Suntia Devi has brought the wine from inside the house for the victim. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner, Amresh Ram, has been languishing in judicial custody since 23.09.2021 whereas Ajay Chaudhary has been languishing in judicial custody since 22.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, Amresh Ram carries two more cases whereas petitioner, Ajay Chaudhary carries seven cases other than the present one. He further submits that the petitioners are involved in illegal manufacturing of illicit wine.

Considering the facts and circumstances of the case, let the, above named, petitioners be released 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 Court below



where the case is pending in connection with Lauriya P.S. Case No. 170 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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