

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16390 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. Gulshan Kumar Mishra @ Sri Prakash Son of Rajesh Kumar Mishra @ Bulbul Jha Resident of Village - Baikunthpur, P.s.- Rajapakar, Distt.- Vaishali.
2. Golu Kumar @ Vijay Prakash Son of Rajesh Kumar Mishra @ Bulbul Jha Resident of Village - Baikunthpur, P.s.- Rajapakar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners and the State.

The petitioners are in custody in connection with Mahua P.S. Case No. 266 of 2021 under sections 302, 328, 120(B), 34 of the Indian Penal Code.

As per the prosecution story, the allegation against the accused persons including the petitioners herein is/are that they were part and parcel of the DC Agency Medical Pharma Company at Patna where the informant's father was serving as a Guard. When he returned back from Patna to his native place, his condition deteriorated and later he was shifted to the Primary Health Centre, Rajapakar and thereafter Sadar Hospital, Hajipur where he died.



The informant alleged that before his death, his father had narrated that the accused persons including the petitioner herein had administered wine in the name of tonic allegedly made with the homeopath medicine which resulted into deterioration of his health.

Learned counsel for the petitioners submit that they have been made accuseds in the matter only because they are sons of main accused, Rajesh Kumar Mishra and the administration of wine to the father of the informant has not been attributed to them. He further submits that they have wrongly been made accuseds and are in jail since 24.12.2021.

Taking into account the fact that the administration of the wine to the informant's father has not been attributed to the petitioners herein rather on the accused Rajesh Kumar Mishra, charge-sheet stands submitted and they are in custody since 14.10.2021, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Ms. Vandana J.M. 1st Class, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 266 of 2021 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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