

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18468 of 2022**

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

HERO@ HERO MIAN @ HERO ANSARI@ KARMULLAH ANSARI @
KARMULLAH Son of Late Ali Mian Resident of Village - Prakash Nagar
Ward No. 12, Narkatiyaganj, P.s.- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal (Sr. Adv.) Mr. Manaur Alam (Adv.) Mr. Prashant Kumar (Adv.) Mr. Kumar Rajdeep (Adv.)
For the Opposite Party/s :		Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 06-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 165 of 2021, registered for the offences
punishable under Sections 328, 302, 307 and 34 of the
Indian Penal Code and Section 30(a), 33, 37(b) of Excise18.

The prosecution case as emerging from the FIR is
that on account of consumption of excessive alcohol, the
informant's cousin felt ill and ultimately died. The informant
further alleged that his cousin consumed alcohol by
purchasing it from Thag Sah and Suresh Sah.



The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name has been transpired from the confessional statement of other co-accused and no incriminating material has been recovered from the possession of the petitioner.

The petitioner has been languishing in jail since 17.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in six other cases in which he is on bail.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 165 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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