

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12259 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

Mahadev Sah S/O Late Fudeni Sah R/O Village Srisiya, P.S. Kanti, Distt. -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18182 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

Arjun Chaudhary @ Arvind Kumar S/O Mewala Chaudhary Resident Of
Village- Sarmaapur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20095 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

Mahesh Mahto Son Of Late Lakshaman Mahto Resident Of Village - Sirsiya,
P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22537 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

1. Bhikhari Chaudhary Son Of Late Harihar Chaudhary Resident Of Village-
Narsanda, P.S- Kanti, Dist- Muzaffarpur
2. Kishan Kumar Son Of Bhikhari Chaudhary Resident Of Village- Narsanda,
P.S- Kanti, Dist- Muzaffarpur

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41778 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

- 1. Lal Babu Paswan Son Of Late Harifan Paswan Resident Of Village - Sirsiya, P.S. - Kanti, Dist.- Muzaffarpur.
- 2. Sabita Devi Wife Of Lal Babu Paswan Resident Of Village - Sirsiya, P.S. - Kanti, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54511 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

Horil Sahni @ Horil Sahani Son Of Chandeshwar Sahni Resident Of Village - Chhapra Manorath, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 12259 of 2022)
For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Rabindra Kumar
(In CRIMINAL MISCELLANEOUS No. 18182 of 2022)
For the Petitioner/s : Mr. Sunil Kumar Pandey
For the Opposite Party/s : Mr. Umeshanand Pandit
(In CRIMINAL MISCELLANEOUS No. 20095 of 2022)
For the Petitioner/s : Ms. Nitu Kumari
For the Opposite Party/s : Ms. Renu Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 22537 of 2022)
For the Petitioner/s : Mr. Udbhav
For the Opposite Party/s : Mr. Upendra Kumar
(In CRIMINAL MISCELLANEOUS No. 41778 of 2022)
For the Petitioner/s : Mr. Dr. Bipin Chandra
For the Opposite Party/s : Ms. Asha Kumari
(In CRIMINAL MISCELLANEOUS No. 54511 of 2022)
For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 16-11-2022 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Kanti P.S. Case No. 711 of 2021, registered for the offences punishable under Sections 272, 273, 284, 328, 307, 302, 120(B)/34 of the Indian Penal Code and Sections 34/36/37(B) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as emerges from the FIR is that accused-petitioners are indulged in preparation and sale of spurious liquor and due to consumption thereof, four persons died and some others fell ill.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that no incriminating materials have been recovered from the conscious possession of the petitioners. They also submit that investigation in this case is complete and charge-sheet has also been submitted. It is also submitted that similarly



situated co-accused persons, namely, Sone Lal Choudhary, Suresh Sah, Raj Kishore Paswan, Raj Kishore Choudhary, and Manoj Kumar have already been enlarged on bail by Co-ordinate Benches of this Court vide order dated 18.08.2022., passed in Cr. Misc. No. 12604 of 2022, Cr. Misc. No. 9674 of 2022, Cr. Misc. No. 8876 of 2022, Cr. Misc. No. 7821 of 2022 and Cr. Misc. No. 5862 of 2022, respectively.

The petitioners, namely, Madhav Sah, Arjun Chaudhary, Mahesh Mahto, Bhikhari Chaudhari, Lal Babu Paswan and Horil Sahni have been languishing in jail since 10.11.2021, 07.01.2022, 31.01.2022, 10.11.2021, 29.11.2021 and 10.11.2021, respectively.

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

It has further been stated in paragraph no. 3 of the petition that the petitioners, namely, Arjun Chaudhary in Cr. Misc. No. 18182 of 2022, Bhikhari Chaudhari in Cr. Misc. No. 22537, have earlier been made accused in one



more case each, whereas petitioners, namely, Madhav Sah in Cr. Misc. No. 12259 of 2022, Mahesh Mahto in Cr. Misc. No. 20095 of 2022, Lal Babu Paswan in Cr. Misc. No. 41778 and Horil Sahni in Cr. Misc. No. 54511 of 2022 have no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, particularly the fact that similarly situated persons have already been enlarged on bail by different Co-ordinate Benches of this Court, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Court of Special Judge, Excise, Muzaffarpur, in connection with Kanti P.S. Case No. 711 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when



required.

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

(iii) The petitioners 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 petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their 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 petitioners.



The application stands allowed accordingly.

The learned counsel for the petitioners 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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