

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21233 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- LAURIA District- West Champaran

Saroj Sahni Son Of Sahdev Sahni R/O- Village- Nauka Tola, Jagdishpur, P.S.-
Jagdishpur, District- W.Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Aprajita, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Lauriya P. S. Case No. 160 of 2021 registered for the offences punishable under Sections 272, 273, 307, 328 and 34 of the Indian Penal Code and Sections 30 (a), 33, 34 (a), 34 (b), 34 (b)(ii), 34 (b) (iii) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on



account of consumption of excessive alcohol the cousin of the informant fell ill, he disclosed that he consumed alcohol by purchasing it from Thag Sah and Suresh Sah and due to which he fell ill.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession. It is further submitted that the name of the petitioner has surfaced on the basis of confessional statement of co-accused Amresh Ram and Ajay Chaudhary, so far the F.I.R. named accused persons Thag Sah @ Suresh Sah are concerned, he has already been granted bail by this Hon'ble Court in Cr. Misc. No. 4286 of 2022 vide order dated 20.06.2022. It is also submitted that the petitioner was apprehended in connection with Bettiah (T) P. S. Case No. 439 of 2021 on 28.07.2021 and thereafter, he was remanded in four other cases including the present one. It is lastly submitted that the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner was neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession and moreover, the F.I.R. named accused persons, against whom specific allegation was made out, have already been granted bail by this Hon'ble Court, apart from that after investigation of the crime, the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, West Champaran in connection with Lauriya P. S. Case No. 160 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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