

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28692 of 2021

Arising Out of PS. Case No.-769 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. Uday Rai @ Udul Rai @ Atul Rai, Son of Doman Rai, Resident of Village - Basantpur Patti, P.S.- Saraiya, District - Muzaffarpur.
2. Nawal Kishore Rai @ Nawal Rai, Son of Ram Prasad Rai, Resident of Village - Basantpur Patti, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-01-2022 Learned counsel for the petitioners files a supplementary affidavit in Court, which is kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Saraiya P.S. Case No.769 of 2020, registered for the offences punishable under Sections 279, 304(A) of the Indian Penal Code and



Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in para 3 of the bail petition. Petitioners have been made accused in this case as they were passengers of the vehicle. Due to rash and negligent driving by co-accused Umesh Rai, the accident took place and grandson of the informant died. It is further submitted that 150 ml. whiskey is said to have been recovered from the vehicle. It is submitted that similarly situated co-accused, Ashok Kumar Ray @ Ashok Ray has been granted anticipatory bail vide order passed in Cr. Misc. No.42461 of 2021 on 25.10.2021. The driver of the vehicle, namely, Umesh Rai has also been granted anticipatory bail vide order passed in Cr. Misc. No.26099 of 2021. It is submitted that both the petitioners are agree to deposit Rs.10,000/- each (rupees ten thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFS Code PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Having considered the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the



learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No.769 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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