

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22525 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Hero @ Hero Miya @ Hero Ansari @ Kalimullah Ansari, Son of Late Ali Mian Resident of Village - Prakash Nagar , Ward No.12, Narkatiaganj, P.s.- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33770 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Rajendra Sah @ Bhhadar Sah Son of Devnath Sah, Resident of Village - Deurwa, P.S.- Lauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35715 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Amresh Ram Son of Jhulan Ram, Resident of Village- Deurwa, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22525 of 2022)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.

: Mr. Manaur Alam, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

(In CRIMINAL MISCELLANEOUS No. 33770 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 35715 of 2022)

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 21-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsels for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Lauriya P.S. Case No. 162 of 2021, lodged under Sections 328,
302, 34 of the Indian Penal Code read with Section 30(a), 33,
37(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it has been alleged in the
F.I.R. by the informant that in the morning of 09.07.2021 her
husband went to the field for agricultural work, after one hour
when he returned, started vomiting. He also complained about
other troubles, upon repeated query he disclosed that he returned
after taking wine from 3 named accused persons who are not
petitioners in the present 3 cases. The informant made allegation
against 3 named accused persons that they have provided wine
forcefully to the deceased, informant immediately went to the
nearest Doctor who use oxygen after admitting in his clinic, but
within 45 minutes the husband of informant died. Allegation has
been made against 3 named person about which the deceased
had disclosed their name to the informant.

Learned counsels for the petitioners submit that the petitioners are not named in the F.I.R. Learned counsels submit that during investigation, their names have figured in this case as the carrier for distributing spirits in the locality but there is no recovery from their possession, only confessional statement of present petitioners as well as to the other accused persons, not named in the F.I.R. are there. Learned counsel for the petitioner of Cr. Misc. No. 22525 of 2022 submits that petitioner is in custody since 18.12.2021, charge sheet has already been filed and 6 criminal criminal cases pending against him, in which he is on bail and by virtue of remand, name of petitioner was figured in all those cases.

Learned counsel for the petitioner of Cr. Misc. No. 33770 of 2022 submits that petitioner is in custody since 24.01.2022, charge sheet has already been filed and 2 criminal criminal cases pending against him and both the cases are filed after filing the present case, in which he is on bail in one case and in one case he is persuading for bail.

Learned counsel for the petitioner of Cr. Misc. No. 35715 of 2022 submits that petitioner is in custody since 25.01.2022, charge sheet has already been filed and 5 criminal criminal cases pending against him, in which he is on bail in all

those cases.

Learned counsel for the State opposes the prayer for bail.

Upon specific query that whether charge has been framed in this case or not, learned counsels for the petitioners submit that charge already been framed in this case and trial has commenced.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 162 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bonds that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail applications stands allowed.

(Dr. Anshuman, J.)

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