

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41660 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- SIMRI District- Darbhanga

1. MANISH PANDEY Son of Sri Dinesh Pandey Resident of Village - Chakand Mohalla Naughar Near Bank of India, P.S.- Chakand Bazar, District - Gaya.
2. Vivek Kumar Son of Late Vinay Kumar Resident of Village - Sondhi Saidpur, P.S.- Buniyadgan, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41772 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- SIMRI District- Darbhanga

1. Mr GUDDU TIWARI Son of Sri Mohan Tiwari Resident of Village I Shadipur, P.s.- Buniyadganj, District - Gaya.
2. Mr SUNIL PANDEY @ SUNIL NAT Son of Sri Ram Swarup Pandey Resident of Village - Chakand, P.s.- Chakand, District - Gaya.
3. Mr RISHU KUMAR Son of Sri Anil Tiwari Resident of Village - Dobhi, P.S.- Dobhi, District - Gaya. At present Residing at Purani Bazar, Sadawpur, P.s - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44478 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- SIMRI District- Darbhanga

SONU TIWARI S/o Surendra Tiwari R/o village- Sandaul, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :



petitioners are innocent and have falsely been implicated in this case. The petitioners are languishing in custody since 30.10.2021 and bear no criminal antecedent. During course of investigation the petitioners were apprehended on the basis of suspicion. He further submits that the death occurs due to consumption of alcohol. The occurrence took place on 28.10.2021 but the F.I.R. was lodged on 29.10.2021 after due deliberation. He further submits that the viscera of the deceased was sent to FSL and no poisonous substance was detected save and except ethyl alcohol which is a chief intoxicant ingredient of all alcoholic beverage. The petitioners have not been put on T.I. Parade and their physical appearance do not match with the physical appearance given in the FIR. Though the informant as making claim to identify the present petitioners who allegedly came with the milk powder as well as other substance to the driver (deceased) as well as the informant but till today no identification has been made with regard to present petitioners. Learned counsel for the petitioners specifically submits that the petitioners were not staff of the alleged hotel as mentioned in the FIR, they were bus passengers and apprehended merely on suspicion. Nothing has been found to connect the petitioners with the alleged occurrence. Charge sheet has been submitted in



this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody which is more than one year, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners and also taking into consideration the materials available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga at Lehariasarai in connection with Simri P.S. Case No. 301/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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