

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46906 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- MURAR District- Buxar

VIJAY KUMAR @ VIJAY KUMAR GUPTA son of Late Jay Krishna Prasad
Resident of Mohalla Danka Kucha Gali More, P.S.- Khajekala, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Alka Pandey

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-09-2022 The present matter has been listed under the heading:
“To Be Mentioned” on the basis of mentioning slip filed on
behalf of the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Murar
P.S. Case No. 10/2022 registered for the offences punishable
under Sections 272, 273, 328, 308, 304, 120B of the Indian
Penal Code and Sections 30(a), 37(b) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, the informant (police



official) got information that on 26.01.2022 one Miku Singh @ Jitendra Singh had organized Chicken liquor party at his hut situated near a pond where due to consumption of spurious liquor six persons died. Thereafter, informant went at the place of occurrence and seized various articles and FIR was lodged against Munna Singh @ Harendra Singh, Badal Singh, Sanjay Chaudhary and others.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has been remanded in this case from Khajekala P.S. Case No. 24/2022 and in custody since 18.05.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. The petitioner has no concern with the alleged occurrence. He further submits that during course of investigation, the name of petitioner surfaced in this case on the basis of confessional statement of co-accused, Akhilesh Upadhyay. Charge has already been framed against the petitioner on 13.07.2022. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused, Hareram



Paswan has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.18724/2022.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, similarly situated co-accused has already been granted bail, charge has already been framed against the petitioner, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Buxar in connection with Murar P.S. Case No. 10/2022, 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) Petitioner 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 petitioner tampers 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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