

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19488 of 2022

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

Sanjay Choudhary Son of Late Persuram Choudhary Resident Of Village -
Amsari, P.S.- Murar, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24039 of 2022

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

Munna Singh @ Harendra Singh Son of Gopal Singh Resident Of Village -
Amsari, P.S.- Murar, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24189 of 2022

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

Badal Singh @ Sanjeev Kumar Singh Son Of Sudama Singh Resident Of
Village - Amsari, P.S.- Murar, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24669 of 2022

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

Guddu Mushar Son of Marai Mushar Resident Of Village - Bali, P.S.-
Nawanagar (sonbarsa O.P.), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46207 of 2022

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

Sanjeev Kumar Son of Late Jay Krishna Prasad Resident Of Village - Danka,
Kucha Gali More, P.S.- Khajekala, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19488 of 2022)

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Rajesh Kumar

(In CRIMINAL MISCELLANEOUS No. 24039 of 2022)

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 24189 of 2022)

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 24669 of 2022)

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 46207 of 2022)

For the Petitioner/s : Ms. Alka Pandey, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 14-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Murar
P.S. Case No. 10 of 2022, registered for the offences
punishable under Sections 272, 273, 382, 308, 304 and
120 (B) of the Indian Penal Code and Sections 30(a) and
37(b) of the Bihar Prohibition and Excise Act, 2018.



The gist of the prosecution case as emerging from the FIR is that the accused prepared illicit liquor and organized chicken and liquor party in which they consumed the illegally prepared liquor resulting into death of some persons including those who organized the party.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that there is no mens rea alleged on the part of petitioners to cause harm to anybody else. They also submit that there is no recovery which could show that the petitioners have been involved in illegal manufacturing of liquor. In fact, this is a tragedy which shows failure of the Liquor Policy of the State. They further submit that investigation in this case is complete, charge-sheet has already been submitted and even charge has also been framed.

The petitioners, namely, Sanjay Choudhary, Munna Singh, Badal Singh, Guddu Mushar and Sanjeev Kumar have been languishing in jail since 30.01.2022, 28.01.2022, 28.01.2022, 30.01.2022 and 18.05.2022, respectively.



It is also stated in paragraph no. 2 of the petition that the petitioners have never moved earlier before this court for grant of regular or anticipatory bail.

It has further been stated in paragraph No. 3 of the petitions that petitioners, namely, Sanjay Choudhary in Cr. Misc No. 19488 of 2022, Guddu Mushar in Cr. Misc. No. 24669 of 2022, Munna Singh in Cr. Misc. No. 24039 of 2022 and Sanjeev Kumar in Cr. Misc No. 46207 of 2022 have earlier been made accused in one (01), one (01), five (05) and one (01) other cases, respectively. The petitioner, namely, Badal Singh has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail. However, he fairly concedes that had there been any intention on the part of the accused-petitioners to cause any harm to anyone, they would not have killed their own family members.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise Court No.2, Buxar in connection with Murar P.S. Case No. 10 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and



getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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