

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60288 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- KEWATI District- Darbhanga

RAJGIR KUMAR Son of Gangai Sah Resident of Village - Pursuliya, P.s.-
Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60957 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- KEWATI District- Darbhanga

ADITYA KUMAR SINGH @ ADITYA KUMAR S/o Sri Kishore Kumar
Singh R/o village and P.S.- Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60288 of 2021)

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 60957 of 2021)

For the Petitioner/s : Dr. Anand Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-03-2022

CRIMINAL MISCELLANEOUS No.60288 of 2021

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Keoti P.S.

Case No. 122 of 2021 instituted for the offences under Sections
353, 302, 120(B) and 34 of the Indian Penal Code read with



Section 30(a) of the Bihar Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that allegation is of recovery of 450 liters of Nepali country-made liquor from a Scorpio vehicle which was being driven rashly by the driver and when the police asked to stop the vehicle, the driver with a view to flee crushed one police personnel to death but somehow the vehicle was apprehended and the driver namely, Madhuresh Kumar Singh and one accused Manish Kumar were apprehended from the Scorpio.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that this petitioner was not found sitting in the Scorpio vehicle which is alleged to have crushed the police personnel while attempting to flee, rather the driver of the Scorpio disclosed that one Maruti WagonR was acting like a liner for making the way clear for the Scorpio so that the Scorpio does not get apprehended by the police and the petitioner along with other named accused persons were sitting in the Maruti WagonR. Learned counsel for the petitioner thus submits that



offending vehicle which crushed the police personnel was a Scorpio in which the petitioner was not present, rather the heinous offence was committed by Madhuresh Kumar Singh and Manish Kumar.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that petitioner was not present in the Scorpio which crushed the police personnel to death.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, he was not arrested from the spot, his name transpired in the confessional statement of co-accused and was not found sitting in the Scorpio vehicle, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Keoti P.S. Case No. 122 of 2021 with a condition that one of the bailors shall be the father of the petitioner, Gangai Sah.

CRIMINAL MISCELLANEOUS No. 60957 of 2021

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



The petitioner seeks bail in connection with Keoti P.S. Case No. 122 of 2021 instituted for the offences under Sections 353, 302, 120(B) and 34 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.07.2021, charge-sheet has been submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that allegation is of recovery of 450 liters of Nepali country-made liquor from a Scorpio vehicle which was being driven rashly by the driver and when the police asked to stop the vehicle, the driver with a view to flee crushed one police personnel to death but somehow the vehicle was apprehended and the driver namely, Madhuresh Kumar Singh and one accused Manish Kumar were apprehended from the Scorpio.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that this petitioner was not found sitting in the Scorpio vehicle which is alleged to have crushed the police personnel while attempting to flee, rather the driver of the Scorpio disclosed that one Maruti WagonR was acting like a liner for making the way clear for the Scorpio so that the Scorpio does



not get apprehended by the police and the petitioner along with other named accused persons were sitting in the Maruti WagonR. Learned counsel for the petitioner thus submits that offending vehicle which crushed the police personnel was a Scorpio in which the petitioner was not present, rather the heinous offence was committed by Madhuresh Kumar Singh and Manish Kumar.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that petitioner was not present in the Scorpio which crushed the police personnel to death.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, he was not arrested from the spot, his name transpired in the confessional statement of co-accused and was not found sitting in the Scorpio vehicle, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Keoti P.S. Case No. 122 of 2021 with a condition that one of the bailors shall be the



father of the petitioner, Kishore Kumar Singh.

(Satyavrat Verma, J)

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