

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50812 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Sudama Sah Son of Late Dhanlal Sah, Resident of Village - Sonpura, P.S.-
Udwant Nagar in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Udwant Nagar P.S. Case No. 232 of 2022, lodged under
Sections 302 and 328/34 of the Indian Penal Code.

As per prosecution case, the allegation against the
petitioner is that the son of informant has purchased a toffee
from his shop at about 11.30 a.m. and after consuming the
toffee, the informant's son started vomiting, thereafter, the
informant's son was admitted to Sadar Hospital, Ara where he
was declared dead.

Learned counsel for the petitioner categorically

submits that petitioner has a shop in the village, the informant's son reached at his shop at about 11:30 a.m. to purchase toffee of one rupees, after purchasing the toffee he went away and thereafter altogether 18-20 children purchased the same toffee from the shop of the petitioner and they all are well. Learned counsel also submits that informant's son has purchased toffee at about 11:30 a.m. but vomiting has started at about 4 p.m. and prior to that the son of the informant took meal in his house. Learned counsel also submits that petitioner is in custody since 04.06.2022 having clean antecedent.

Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that he is not confirm that charge has been framed or not.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant to grant bail to the petitioner, therefore, his bail petition is hereby rejected. But liberty is hereby granted to the petitioner that he shall renew his prayer for bail after framing of charge but if charge has already been framed in this case, then the Trial Court shall release the petitioner on bail imposing its own condition so

that petitioner may not evade his appearance during trial.

(Dr. Anshuman, J.)

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