

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67752 of 2021**

Arising Out of PS. Case No.-239 Year-2021 Thana- RAMNAGAR District- West Champaran

THAG SAH @ SURESH SAH Son of Late Raghuni Ssah Resident of Village
- Deurwa, P.S. Lauriya, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 328, 302 of the Indian Penal Code and Sections 30(a),33, 37(b) of Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that the petitioner was arrested for involvement in selling and preparing liquor alongwith other accused due to which several persons got ill after drinking noxious liquor.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence, and during investigation, nothing has come against the petitioner and the police, after investigation, submitted charge sheet against the petitioner under Sections 304, 272, 273 and 328 of IPC and Sections 30, 30(a), 34(a) and 34(b) of Bihar Prohibition and Excise Act. He further submits that the victim was died on 13.07.2021 but the present FIR has been instituted on 17.07.2021 after expiry of four days without any explanation of delay and the petitioner is in custody since 31.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ramnagar Police Station Case No.239 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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