

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4096 of 2023

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

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Pappu Rai Son of Ram Bahadur Ray Resident of village - Sohratha, P.S.- Belsar O.P.,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-04-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Vaishali P.S.
Case No. 354 of 2021 dated 15.09.2021 registered for the offences
punishable under Sections 272, 273, 413 and 414 of the Indian
Penal Code and Sections 30(a) and 41(i) of Bihar Prohibition and
Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the petitioner was not arrested at the spot, infact
the co-accused Shashi Kumar, who is stated to have been arrested
at the spot with the alleged wine disclosed the name of this
petitioner, has been granted bail by a co-ordinate bench of this
Court vide order passed in Cr. Misc. No. 22784 of 2022 and other
co-accused persons namely, Praveen Kumar, Amaresh Kumar,
Mukesh Kumar, Arjun Rai and Manjay Kumar @ Manjay Ray

have also been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 70450 of 2021, Cr. Misc. No. 71783 of 2021, Cr. Misc. No. 43837 of 2022 and Cr. Misc. No. 16329 of 2022 respectively and the case of this petitioner is identical to the said co-accused persons and is on better footing from the co-accused Shashi Kumar, though against the petitioner there are criminal antecedents of four cases but out of them he has got bail in two cases and the petitioner is not arrested at the spot. Further submissions are that against the petitioner investigation has been completed and he has been languishing in jail since 21.12.2022.

4. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot of recovery of alleged wine and his name surfaced in the statement of co-accused person Shashi Kumar who is on bail and several other co-accused persons mentioned above are also on bail and against the petitioner investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Vaishali P.S. Case No. 354 of 2021.

(Shailendra Singh, J)

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