

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30641 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

BHADAR SAH @ RAJENDRA SAH SON OF LATE DEONATH SAH
RESIDENT OF VILLAGE- DEURWA, PS- LAURIYA, DISTT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-06-2023 Heard the parties.

The petitioner is in custody in connection with Lauriya P.S. Case No. 165 of 2021 for the offence under Sections 302, 328, 307 and 34 of the Indian Penal Code and Section 30(a), 33 and 37(b) lodged on 17.07.2021 by the informant Rashid Shah.

As per the allegation in the FIR, this petitioner along with Suresh Sah, Rambriksh Choudhary, Ajay Choudhary, Amresh Ram and Bhadar Sah with Suresh Badhai used to sell country made liquor. Further the allegation in the FIR is that on 12.7.2021, informant's brother as also some of the villagers including Bikau Ansari, Mumtaz Ansari and Bhagwan Panda had consumed the said country made liquor being sold by the



aforesaid accused persons including the petitioner herein. Subsequently, after consuming the said liquor, it is alleged that Bikau Ansari, Bhagwan Panda and the brother of the informant died whereas Mumtaz Ansari became seriously ill and was being hospitalized. The informant has alleged that due to spurious country made liquor being sold by the petitioner and other accused persons, three persons died.

Earlier on 10.05.2023, a report was called for on the stage of trial.

As per the report dated 19.05.2023, the record has been committed to the Court of learned Additional Sessions Judge, Bettiah.

Considering the aforesaid fact as also that the petitioner is in custody since 12.08.2021 (para 28 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, IX, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 165 of 2021 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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