

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30547 of 2023

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

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PRADEEP KUMAR SHARMA @ PRADEEP SHARMA SON OF SURESH
SHARMA R/O-DEURWA, P.S.-LAURIYA, DISTT.-WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody in connection with Lauriya P.S. Case No. 165 of 2021 under sections 328, 327, 302 and 34 of the Indian Penal Code and 30(a), 33, 37(b) of Bihar Prohibition and Excise Act lodged on 17.07.2021 by the informant, Rashid Shah.

The prosecution story, in brief, is that the informant gave his Fardbeyan before the Lauriya Police Station alleging that on 12.7.2021, his brother Latif Sah was coming home after drinking alcohol. He felt pain in stomach and head and his eyesight started decreasing. The informant took his brother to the hospital of Dr. Rashid for treatment where in the course of treatment, his brother died and the dead body was buried in the



graveyard of the village. He further alleged that some persons in his village sells raw liquor and due to drinking, his brother and some of the persons died and some of them are being treated in the hospital at Bettiah are serious.

Earlier prayer for bail of the petitioner was rejected vide order dated 10.08.2022 passed in Cr. Misc. No. 11085 of 2022.

A report was called for and as per the communication received, the matter is pending for charge.

In view of the fact that the petitioner is in custody since 07.11.2021 (as stated in paragraph-16 of the bail application) , this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, IXth, West Champaran, Bettiah in connection with Sessions Trial 141 of 2023 arising out of 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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