

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45346 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- SOHSARAI District- Nalanda

1. SUNITA @ MAIDAM Wife of Gautam Prasad R/O Chhoti Pahari, Pahartoli, P.S.- Sohsarai, District - Nalanda
2. Suraj Kumar Son of Gautam Prasad R/O Chhoti Pahari, Pahartoli, P.S.- Sohsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Sohsarai P.S. Case No. 22 of 2022 registered for the offence under Sections 302, 328, 120(B) of the Indian Penal Code and Sections 33, 34 and 36 of the Bihar Excise and Prohibition Act, 2012.

The case relates to selling of poisonous liquor due to which health of the victim has been deteriorated.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused persons. He



further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. Moreover, co-accused, Guddu Kumar @ Guddu Kumar Saw, Dimpal Kumar, Karu Paswan along with Surrender Paswan@ Shailendra @CMG@ Singh jee having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2023, 18.01.2023, 18.01.2023 passed in Cr. Misc. No. 61105 of 2023, Cr. Misc. No. 63377 of 2022 and Cr. Misc. No. 64715 of 2022 respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 24.06.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries two cases and petitioner No.2 carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise, Nalanda at Biharsharif in connection with Sohsarai P.S.

Case No. 22 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, thier bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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