

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48148 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- KANTI District- Muzaffarpur

1. RAMBABU PASWAN S/o Late Harifan Paswan R/o village- Sirsiyan, P.S.- Kanti, District- Muzaffarpur
2. Raj Kumar Paswan, S/o Late Harifan Paswan R/o village- Sirsiyan, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-02-2023 Let the defect(s), if any, pointed out by the office be removed within two weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

As prayed for, learned counsel for the petitioners is permitted to correct the name of the petitioner no.2 in the course of the day.

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

Petitioners seek regular bail in connection with Kanti P.S. Case No. 711 of 2021 registered for the offences punishable under Sections 272, 273, 284, 328, 307, 302,



120(B)/34 of the Indian Penal Code and Sections 34/36/37(B) of Bihar Prohibition and Excise Act, 2016.

As per the allegation, the informant alleged that these petitioners with other co-accused persons were indulged in preparation and selling of spurious liquor and on consumption of such liquor, four persons have lost their lives and several other persons have fallen seriously ill.

The main submissions advanced by the learned counsel Mr. (Dr.) Bipin Chandra for the petitioners are that the petitioners are not named in the FIR and they have fair and clean antecedent and from their possession, nothing incriminating material was recovered and the petitioner no.1 Rambabu Paswan has been languishing in jail since 17.03.2022 and petitioner no.2 Raj Kumar Paswan has been languishing in jail since 16.03.2022. Further submission is that several co-accused persons, who are named in the FIR, have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No.12259 of 2022 and other analogous cases, Cr. Misc. Nos.12604 of 2022 and 7821 of 2022 respectively and the case of these petitioners stand on better footing from them as both the petitioners are not named in the FIR and have fair and clean antecedent.



Learned APP Mr. Parmanand Prasad appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the fair and clean antecedent of the petitioners and also the fact that most of the named co-accused persons have been granted bail by different Benches of this Court vide orders passed in above-mentioned criminal miscellaneous cases and the prosecution has not brought any specific role of the petitioners in the alleged crime, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners 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 the concerned Court in connection with Kanti P.S. Case No. 711 of 2021.

(Shailendra Singh, J)

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