

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50145 of 2023

Arising Out of PS. Case No.-679 Year-2021 Thana- NAWADA District- Nawada

KAUSHAL YADAV SON OF SHARVAN YADAV R/O-KHEMCHABIGHA,
P.O. AND P.S.-NAWADA, DISTT.-NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50163 of 2023

Arising Out of PS. Case No.-679 Year-2021 Thana- NAWADA District- Nawada

SURAJ KUMAR @ SURAJ CHAUDHARY @ KARKU CHAUDHARY son
of Raju Chaudhary @ Raja Chaudhary Village- Kharidi Bigha Ps- Nawada
Nagar Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50905 of 2023

Arising Out of PS. Case No.-679 Year-2021 Thana- NAWADA District- Nawada

VIDHAN YADAV @ VIDHAN KUMAR SON OF SHARVAN YADAV R/O-
KHEMCHABIGHA, P.O. AND P.S.-NAWADA, DISTT.-NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA, BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51299 of 2023

Arising Out of PS. Case No.-679 Year-2021 Thana- NAWADA District- Nawada

UTPALKANT @ BABLOO KUMAR SON OF SUGAN PRASAD @
SUGAN PRASAD YADAV RESIDENT OF VILLAGE - GONDAPUR, P.S. -
NAWADA, DISTRICT - NAWADA

... .. Petitioner/s

Versus



THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50145 of 2023)

For the Petitioner/s : Mr.Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

(In CRIMINAL MISCELLANEOUS No. 50163 of 2023)

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

(In CRIMINAL MISCELLANEOUS No. 50905 of 2023)

For the Petitioner/s : Mr.Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

(In CRIMINAL MISCELLANEOUS No. 51299 of 2023)

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner is in judicial custody in connection with Nawada Sadar P.S. Case No. 679 of 2021 registered under Sections 33, 34 and 36 of the Bihar Prohibition of Excise Act, 2016 lodged on 01.07.2021 by the informant, Santosh Kumar Paswan.

As per the prosecution story, it is alleged that one Ramdeo Yadav died after consuming spurious liquor whereafter FIR against unknown was registered. Later, one Arvind Yadav was arrested and he named the other accused persons which includes the petitioners herein.

It is the joint submission of the learned counsels for the petitioners that once Arvind Yadav named them, the police



implicated them that followed all the case registered against them which reflects from their respective criminal antecedents. It is the further case of the learned counsels for the petitioners that similarly placed co-accused Kartik Kumar @ Kartik Chaudhary also having twenty criminal cases has since been granted the privilege of bail by a co-ordinate Bench of this Court vide an order dated 09.08.2023 passed in Cr. Misc. No. 48014 of 2023.

It reflects from the said order sheet that one Bipin Kumar has also been granted the privilege of bail vide order dated 03.08.2023 passed in Cr. Misc. No. 46432 of 2023. Last submission is that investigation has been completed and charge sheet submitted and as such there is no chance of tempering with the evidence.

Mr. Jitendra Kumar Singh, learned APP for the State opposes the bail stating that all of them have criminal antecedents.

Considering the submission put forward by the learned counsels for the petitioners, the period of their custody, some of the similar placed accuseds with criminal antecedents have since been extended the privilege of bail, are in custody since 23.05.2023, charge sheet stands submitted and it has



been undertaken by the petitioners that they will be diligently appearing in the trial, this Court is inclined to grant them privilege of bail in the aforesaid four cases.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, 1st Nawada in connection with Nawada (Town) P.S. Case No. 679 of 2021, subject to the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners 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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