

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52884 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- SUGAULI District- East Champaran

PUNNI BHAGAT @ PUNDEV BHAGAT son of Late Hari Bhagat Village-
Semara Khash Ps- Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in custody in connection with Sugauli P.S. Case No. 141 of 2023 for the offence under sections 304, 308, 328, 201/34 of the Indian Penal Code lodged and 30(a), 37, 41 of the Bihar Prohibition and Excise Act 2018 on 14.05.2023 by the informant, Akhilesh Kumar Mishra.

As per the prosecution story, upon information that some people have fallen sick after consuming liquor and later, came to know that five people died, the F.I.R. was lodged.

Learned counsel for the petitioner submits that it cannot be said that they have died due to consuming liquor as no post-mortem was conducted and the dead bodies were cremated. Only on suspicion, his name has cropped up for which he has already suffered by being in custody since 21.04.2023 (as stated



in paragraph 7 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the period of custody i.e. 21.04.2023, no post-mortem was conducted so far as the claim of the mysterious death of the persons are concerned, 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) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 1st, Civil Court, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 141 of 2023 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 month for one year 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)

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