

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52190 of 2023

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

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Langar Paswan Son of Late Shankar Paswan Resident of Village-Gidha, P.S.-
Sugauli, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.05.2023 in connection with Sugauli P.S. Case No. 141 of 2023, F.I.R. dated 15.04.2023 for the offences punishable under Sections 304, 308, 328, 201/34 of the Indian Penal Code and added Sections 30(a), 34, 37 and 41 of the Bihar Excise Act, 2018.

3. According to prosecution case, some persons have given some spurious material to 5 persons causing them ill and during the treatment they died.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of witnesses and they suggest that the petitioner is one of the supplier and as per the F.I.R, the victim has died due to consuming illicit liquor. He further submits that there was no postmortem report available on the record to ascertain the cause of death and merely on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and merely on the basis of previous criminal antecedents of similar nature, the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Punni Bhagat @ Pundev Bhagat who is one of the co-accused in the present case has been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 52884 of 2023. The petitioner is in custody since 29.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and the petitioner



carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Civil Court East Champaran at Motihari in connection with Sugauli P.S. Case No. 141 of 2023, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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