

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48762 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- HUSSAINGANJ District- Siwan

Vivek Kumar Kushwaha Son Of Rudal Kushwaha R/V- Aghaw, P.S- Bankata,
Dist- Deoria (u.p)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52247 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- HUSSAINGANJ District- Siwan

Sanjeet Kumar @ Manjeet Kumar Son Of Late Ramayan Yadav R/O Village-
Habib Nagar, P.S.- Hussainaganj, Dist.- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66741 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- HUSSAINGANJ District- Siwan

Mukesh Kushwaha Son Of Late Ram Ratan Kushwaha @ Ramratan Bhagat
Resident Of Village - Tikari, P.S. - Hussainganj, District - Siwan.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48762 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.A.G

(In CRIMINAL MISCELLANEOUS No. 52247 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

(In CRIMINAL MISCELLANEOUS No. 66741 of 2022)

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR



ORAL ORDER

10 06-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 307, 302, 120B and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per FIR, the allegation against the petitioners is to commit murder of the police personnel, while barricading and checking the offending vehicle. It is further alleged that total 42 liters illicit liquor was recovered rather the petitioners were not apprehended on the spot.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case merely on the basis of confessional statement of local *Chaukidar*. Except petitioner Mukesh Kushwaha, two petitioners, namely, Vivek Kumar Kushwaha and Sanjeet Kumar @ Manjeet Kumar are not named in the FIR. The petitioners were not apprehended on the spot and nothing incriminating article has been recovered from their conscious possession nor



vehicle in question belongs to them. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 6271 of 2023. It is further submitted that the petitioners are languishing in judicial custody since long.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Hussainganj P.S. Case No. 144 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan.

(Sunil Kumar Panwar, J)

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