

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52483 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Dilip Kumar Singh Sonof Late Chandshekhar Prasad Singh @ Late
Chandeshwar Prasad Singh R/O Village- Dighara Rampur, P.S.- Muzaffarpur
Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
20.12.2021 in connection with Lauriya P.S. Case No. 162 of
2021, F.I.R. dated 16.07.2021 for the offences punishable under
Sections 328, 302/34 of the Indian Penal Code and Section
30(a), 33 and 37(c) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, the accused persons
forcibly made the husband of the informant to consume the
liquor due to which he started vomiting and later on died after



the treatment.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the basis of the confessional statement of the co-accused and self confessional statement of the petitioner. He further submits that except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the petitioner was arrested firstly in Lauriya P.S. Case No. 160 of 2021 and thereafter the petitioner has remanded in 4 other cases as mentioned in paragraph 3 of the bail petition. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ajay Chaudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 48579 of 2022 and another co-accused, namely, Pradeep Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 18.01.2023 passed in Cr. Misc. No. 64144 of 2022. The petitioner is in custody since 20.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries 4 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and period of custody, 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 Judge, Excise Bettiah, West Champaran in connection with Lauriya P.S. Case No. 162 of 2021, subject to the following conditions:-

1. 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.

2. 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.

3. 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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