

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54534 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- AMAS District- Gaya

Rohit Singh @ Gollu S/o Baiju Singh @ Baidhnath Singh R/o village-
Guner, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56894 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- AMAS District- Gaya

Rajesh Yadav @ Rajeshwar Yadav Son of Late Lekha Yadav Resident of
Village-Sonarchak, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67205 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- AMAS District- Gaya

Santosh Kumar @ Santosh Chaudhary @ Santosh Kumar Chaudhary Son of
Hulas Chaudhary R/o Village- Chandi Asthan, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67689 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- AMAS District- Gaya

Alok Raj @ Rahul Kumar Singh Son Of Baidyanath Singh @ Baidhyanath
Singh R/o Village- Guneri, P.S.- Gurua, District- Gaya (bihar)

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54534 of 2022)

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Ms. Shaheen Begum

(In CRIMINAL MISCELLANEOUS No. 56894 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Pranav Kumar

(In CRIMINAL MISCELLANEOUS No. 67205 of 2022)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1

(In CRIMINAL MISCELLANEOUS No. 67689 of 2022)

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Excise
G.R. 847 of 2022 arising out of Amas P.S. Case No.180 of
2022, registered for the offences punishable under Section
34(b)(i), 37(i) of the Bihar Prohibition and Excise Act, 2016
and Section 272/ 273/ 328/ 304 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 24.05.2022, some persons of Pathra village
consumed liquor and fell seriously ill. Further, they were
admitted to hospital. It is found that some persons also died
during the course of treatment.

Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that no incriminating article has been recovered during the investigation which could connect them with the alleged occurrence. He also submits that many co-accused persons have been enlarged on bail.

He further submits that the petitioners, Rajesh Yadav, Rohit Singh, Santosh Kumar and Alok Raj have been languishing in jail since 27.05.2022, 27.05.2022, 27.05.2022 and 23.08.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, Rohit Singh, Rajesh Yadav, and Santosh Kumar have earlier been made accused in two five and four cases each, respectively whereas the petitioner, Alok Raj has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the present matter.



However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge, Court no. 2, Gaya in connection with Excise G.R. 847 of 2022 arising out of Amas P.S. Case No.180 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

