

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69215 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

JAGMOHAN RAM SON OF LATE RAJ KUMAR RAM R/O VILL.-
CHAKIYA, P.S.- MAKER, DISTT.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69753 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

RAMANAND MANJHI @ PARMANAND MANJHI S/O- LATE MAHDEV
MANJHI RESIDENT OF VILLAGE- SONHO KISUNPUR, P.S.- BHELDI,
DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69755 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

SANDEEP KUMAR Son of Rama Nand Manjhi Resident of Village - Sonho
Kisupur, P.S.- Bheldi, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70105 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

PRAKASH SINGH S/O LATE RAM SANEH SINGH Resident of village-
Titira P.S.- Parsa, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74763 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

SHAILESH KUMAR @ SHAILESH BHAGAT S/O LAKSHMAN BHAGAT
Resident of Village- Korea, P.S.- Bheldi, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69215 of 2022)

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100)

(In CRIMINAL MISCELLANEOUS No. 69753 of 2022)

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 69755 of 2022)

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 70105 of 2022)

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

(In CRIMINAL MISCELLANEOUS No. 74763 of 2022)

For the Petitioner/s : Mr. Ram Binod Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

All the five cases are being clubbed and heard together
as they are arisen out of the same police station.

Petitioners seek bail, who are in custody since
11.08.2022, 11.08.2022, 03.09.2022, 11.08.2022 & 17.08.2022
respectively, in connection with Maker P.S. Case No.179/2022,



F.I.R. dated 05.08.2022 registered for the offences punishable under Sections 328, 308, 304, 120(B)/34 of the I.P.C. & Sections 37(i)(ii) of Bihar Prohibition and Excise Act, 2018.

According to prosecution case, it is alleged that 25 persons named in the fardbeyan, consumed liquor in the house of the co-accused persons, namely, Sandeep Kumar, Ramanand Manjhi and Akash Kumar. It is also alleged that one Chandeshwar Mahto brought a sachate of liquor and gave it to the informant's father, who consumed it and thereafter he complained that his vision was blurred and he had stomach ache and started vomiting. In the meanwhile, the informant came to know that the one Chandan Kumar had consumed the liquor and died. Thereafter news spread that due to spurious liquor and that villagers who consumed liquor in the evening were sick. Thereafter they were taken to Sadar Hospital, P.M.C.H. for treatment but eight died during treatment.

For the better adjudication of the case, the case of these petitioners are being dealt with separately.

Cr. Misc. No. 69215 of 2022

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The



name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Ramanand Manjhi. The said Ramanand Manjhi in his confessional statement has stated that the petitioner is supplier of the spirit in question but nothing has been recovered from conscious possession or the house of the petitioner and the petitioner has no concern at all with the alleged occurrence. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence, as alleged in the F.I.R. He further submits that the police, after investigation, submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

Cr. Misc. No.69753 of 2022

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the basis of suspicion. He further submits that as per F.I.R.,



the allegation against the petitioner is that the petitioner has supplied the liquor, in question, and nine persons are reported to be dead due to consumption of spurious liquor supplied by the petitioner. He further submits that due to previous criminal antecedent, the petitioner has falsely been implicated in the present case and nothing has been recovered from the conscious possession or the house of the petitioner and the petitioner was not arrested on the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

Cr. Misc. No. 69755 of 2022

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner and only on the basis of suspicion the name of 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 the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 03.09.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

Cr. Misc. No.70105 of 2022

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation, on the basis of confessional statement of co-accused. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and it appears from the F.I.R. that the specific allegation is against the co-accused persons, namely, Ramanand Manjhi, Lal Sah, Munna Sah and Rahul Kumar and



the allegation against the petitioner is that he has supplied the spirit in question to the co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner.

Cr. Misc. No.74763 of 2022

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation. The petitioner was arrested in Bheldi P.S. Case No. 281 of 2022 and his confessional statement was recorded and on the basis of the confessional statement of the petitioner, the petitioner has been implicated in the present case and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.08.2022.

Learned counsel for the petitioners submits that the case of several co-accused persons, who have been apprehended in this case with the same set of facts have been allowed bail



vide order dated 29.11.2022 passed in Cr. Misc. No. 56739/2022 and 05.04.2023 passed in Cr. Misc. No.70888/2022 by another Co-ordinate Bench of this Court.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2nd, Saran at Chapra in connection with Maker P.S. Case No.179/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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