

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73287 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- SALAIYA District- Aurangabad

Umesh Chaudhary @ Masuk Chaudhary S/o Late Satendar Chaudhary R/v-
Khiriyawan, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Salaiya
P.S. Case No. 37 of 2022 registered for the offence under
Sections 272, 273, 304, 120(B) and 34 of the Indian Penal Code
(for short 'I.P.C.').

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.08.2022.

The allegation against the petitioner is to involve in
trading of spurious liquor where after consumption the son of
the informant died.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is not named in the F.I.R. and his name surfaced, during the course of investigation, on the basis of secret input as provided by police spy. It is submitted that as petitioner named in Madanpur P.S. Case No. 256 of 2022 and 253 of 2022 merely on the basis of these criminal antecedents he named in present case without having any connecting evidence as collected during the course of investigation. It is also pointed out that no recovery of spurious liquor made from the possession of this petitioner, as alleged. While concluding the argument, it has been submitted that petitioner found involved in two criminal cases of similar nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, while opposing the prayer of bail, fairly conceded that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above and by taking note of the fact as no spurious liquor/any incriminating substance recovered/surfaced during the course of investigation to connect this petitioner, *prima facie*, with present occurrence in furtherance of suspicion as raised through secret input coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Salaiya P.S. Case No. 37 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Judge, Special Court M.P./M.L.A., Aurangabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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