

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75293 of 2022

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

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Bhuar Singh @ Mitendra Kumar Singh, Son Of Sri Ram Singh, R/O Village-
Kishunpur, P.S.- Maker, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 328, 308, 304, 120B/34 of the Indian Penal Code and Section 37(I)(II) of the Bihar Prohibition and Excise Act.

According to FIR, it is alleged that eight persons have died due to consumption of spurious liquor in the house of Ramand Manjhi, Sandeep Kumar and Akash Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been implicated in this case. The name of the petitioner transpired during course of investigation in confessional statement of other co-accused person before the police, which has got no



evidentiary value in the eye of law. Neither the petitioner has concern with the alleged offence nor any incriminating article has been recovered from his conscious possession. Moreover, similarly situated co-accused namely, Dharmendra Ray has already been granted bail by a co-ordinate Bench of this Court vide order 29.11.2022 passed in Cr. Misc. No. 56739 of 2022 and in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 17.9.2022.

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 petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Maker P.S. Case No. 179 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 2nd Exclusive Special Excise Court, Saran at Chapra.

(Sunil Kumar Panwar, J)

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