

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.797 of 2023

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

Nitish Kumar, Son Of Dinesh Chaudhary R/O Village- Khiriyawan Pasi Tola,
P.S.- Madanpur, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rakesh Singh, learned counsel for the petitioner and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Salaiya P.S. Case No. 37 of 2022, registered for the offences punishable under Sections 304/34, 272, 273, 120(B) of the Indian Penal Code.

The prosecution case is based on the *fardbeyan* of the informant alleging therein that the son of the informant died after taking spurious liquor.

Learned counsel appearing on behalf of the petitioner



submits that the FIR has been instituted against unknown persons, however, during the course of investigation the name of the petitioner transpired, as the petitioner is found to be involved in manufacturing of spurious liquor, which was said to be consumed by the son of the informant. It is further submitted that during the course of investigation other co-accused persons, who are also said to be involved in the trading of spurious liquor, have been made accused and taken into custody, however, they have been allowed the privilege of bail by the co-ordinate Bench of this Court in Cr. Misc. 70741 of 2022 and 73287 of 2022 *vide* order dated 29.03.2023 and 20.03.2023 respectively, copies of which have been taken on record. He next submits that in fact only on suspicion and having found previous antecedent of the petitioner, as has been mentioned in paragraph no. 3 of the application, the name of the petitioner has been implicated in this case and there is no other material suggesting the involvement of the petitioner. He lastly submits that now the investigation of the crime is complete and the charge-sheet has been submitted and he is in custody since 16.08.2022.

On the other hand, learned APP for the State opposed the bail application and submits that on account of consumption



of spurious liquor, two of the persons have died and the petitioner and others are found involved in selling of spurious liquor.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no direct allegation against the petitioner, apart from the fact that other co-accused persons having similar allegation have been allowed the privilege of bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Aurangabad in connection with Salaiya P.S. Case No. 37 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

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

