

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5876 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- HARSIDHI District- East Champaran

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Gabbar Yadav @ Nawal Kishore Yadav SON OF Virendra Ray @ Birendra
Ray RESIDENT OF VILLAGE- JAYSINGHPUR KARAMWA, PS-
TURKAULIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304, 308, 328, 201, 272, 273/34 of the Indian Penal Code and Sections 30(a), 34, 37, 41 of the Bihar Prohibition & Excise Act.

3. As per prosecution case, two persons namely, Sonelal Patel and Chhotelal Manji died due to consumption of some poisonous substance served by unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The prosecution case lodged against unknown. He has no concerned with the alleged occurrence rather his name was sprang up in this case on the basis of confessional statement of co-accused



Rajesh Sahani before the police which has got no evidentiary value in the eye of law. No any consistent material has come against the petitioner. Similarly situated co-accused Arvind Sah has already been granted bail by a co-ordinate Bench of this Court vide order dt. 29.11.2023 passed in Cr. Misc. No. 75804 of 2023. Moreover, the petitioner is languishing in judicial custody since 19.9.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Harsidhi P.S. Case No. 249 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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