

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6886 of 2024

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

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Bipin Kumar @ Bipin Yadav @ Kamlesh Kumar S/O- Isho Yadav R/O-
Village- Gondapur, P.S.- Nawada, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nawada
(Town) P.S. Case No. 382 of 2021 instituted for the offences
under Section 33, 34, 36 of the Excise Act.

3. As per prosecution case, the husband of the
Informant has died due to consumption of spurious liquor which
was purchased from the co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The



petitioner is not named in the F.I.R. rather his name has sprung in this case on the basis of confessional statement of co-accused Arvind Yadav. The petitioner has no concern with the alleged occurrence. The petitioner has altogether nineteen criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 11.04.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused Kartik Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.08.2023 passed in Cr. Misc. No. 55403 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the prayer for bail based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada (Town) P.S. Case No. 382 of 2021, subject to the following conditions;

(i) One of the bailors shall be own/close member of



the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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