

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8081 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- SOHSARAI District- Nalanda

Bhomwa @ Sanjay Paswan Son of Late Lala Paswan R/o vill - Chhoti Pahari,
P.s. - Sohsarai, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 07-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Sohsarai P.S. Case No.22 of 2022 dated 15.01.2022, registered for the offences punishable under Sections 307, 328, 120B of the Indian Penal Code and Sections 33, 34, 36 of the Bihar Prohibition and Excise Act, 2018.

3. The prosecution case as emerges from the FIR is that due to consumption of spurious liquor on 15.01.2022, three persons died in suspicious circumstances and on the same day five more persons died during treatment. Moreover, the Petitioner is alleged to have consumed liquor, due to which he has suffered vision related ailment.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that similarly situated co-accused Meena Devi has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 21.04.2023 passed in Cr. Misc. No. 43824 of 2022 and many other co-accused have also been enlarged on bail.

5. He further submits that the petitioner has been languishing in jail since 14.09.2023.

6.It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9.Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise-II, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No.22 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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