

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14289 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- SUGAULI District- East Champaran

Gabbar Yadav @ Nawal Kishore Yadav Son of Virendra Ray @ Birendra Ray
Resident of Village- Jaysinghpur Karamawa, P.S.- Turkauliya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli P.S. Case No. 141 of 2023 instituted for the offences punishable under Sections 304, 308, 328, 201/34 of the Indian Penal Code and later on also added Sections 30(a), 34, 37, 41 of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, some people of the village suddenly became sick on consuming some poisonous substance and died during course of treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case only on the basis of



suspicion and due to his criminal antecedents. The petitioner is not named in the F.I.R. and his name came in this case on the basis of confessional statement of co-accused in another case Turkaulia P.S. Case No. 466 of 2023 before the police, which has no evidentiary value in the eyes of law. He has no concern with the alleged occurrence. There is no consistent evidence and no eye witness of the alleged occurrence. Neither the petitioner was arrested on the spot nor any incriminating material has been recovered from his conscious possession. The other co-accused person, namely, Rajesh Sahani @ Rajesh Sahni has already been granted bail by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 73753 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., seizure list and impugned order of the learned Exclusive Special Excise Court No.1, East Champaran, Motihari, it appears that no recovery has been made from the conscious possession of the petitioner and no postmortem regarding deceased persons. It is also submitted that there is no independent witness of the seizure list. Petitioner is in custody since 02.12.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above



named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Sugauli P.S. Case No. 141 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

lata/-

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

