

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28953 of 2024

Arising Out of PS. Case No.-570 Year-2023 Thana- LAXMIPUR District- Jamui

Shivendra Tanti Son of Late Babulal Tanti Resident of Village- Bithalpur,
P.S.- Jamui, Dist.- Jamui Petitioner/s

Versus

The State of Bihar Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Laxmipur (Gidhour O.P.) P.S. Case No. 570 of 2023 registered for
the offence under Section 37 of the Bihar Prohibition and Excise
Act.

3. As per the prosecution case, the Police Sub Inspector
Anuj Kumar alleged that on 29.12.2023 at about 6:00 PM, the
driver of truck bearing registration No. JH02T5240 while driving
in fast speed and in negligent manner hit one Raushan Kumar,
aged about 13 years and one Chandan Kumar Das both resident of
village and P.S. Giddhour and due to that both the persons died at
the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that two FIRs for the same P.S.



Case has been instituted against the petitioner. First FIR was instituted under Section 279 and 304(A) of IPC and the second FIR was instituted under Section 37 of Bihar Prohibition and Excise Act. The petitioner has already been granted bail in the first FIR bearing P.S. Case No. 569 of 2023 of the same P.S. Nothing has been recovered from the possession of the petitioner. The petitioner was not in a drunken state as in P.S. Case No. 569 of 2023 and the FIR was not instituted under Section 37 of Bihar Prohibition and Excise Act. Charge sheet has already been submitted under Section 304 of the IPC and Section 37 of Bihar Prohibition and Excise Amendment Act, 2022. Petitioner is in custody since 30.12.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 learned Exclusive Excise Court No. I, Jamui in connection with Laxmipur (Gidhour O.P.) P.S. Case No. 570 of 2023.

saaurabhkr/-

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

(Ramesh Chand Malviya, J)

