

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38733 of 2024

Arising Out of PS. Case No.-745 Year-2021 Thana- NAWADA District- Nawada

Bipin Kumar @ Kamlesh Kumar @ Kamlesh Yadav @ Bipin Yadav Son of
Isho Yadav Resident of Village- Gondapur, P.S.- Nawada, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Nawada (Nagar) P.S.
Case No. 745 of 2021, instituted for the offences punishable
under Sections 33, 34 and 36 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, one Shiv
Shankar Yadav died due to consuming spurious liquor. It is
further alleged that the deceased purchased the said liquor from
unknown person.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. No incriminating



material has been recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R and name of the petitioner transpired in this case on the basis of confessional statement of the other co-accused persons. The petitioner is in custody since 26.08.2022 and has got twenty criminal antecedents. Learned counsel for the petitioner further submits that co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 25.05.2023 passed in Cr. Misc. No. 32128 of 2023, order dated 11.07.2023 passed in Cr. Misc. No. 10680 of 2023, order dated 19.07.2023 passed in Cr. Misc. No. 22887 of 2023, order dated 22.08.2023 passed in Cr. Misc. No. 37436 of 2023 and order dated 01.09.2023 passed in Cr. Misc. No. 39556 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Nawada (Nagar) P.S.
Case No. 745 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)

Raj Kishore/-

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