

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40769 of 2024

Arising Out of PS. Case No.-522 Year-2022 Thana- MADHAURAH District- Saran

Abhay Kumar @ Kallu Son Of Parmatma Kumar @ Parmatma Kumar Yadav
Village- Balant Tola, Ps- Doriganj, Dist- Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard the parties

2. The petitioner seeks bail in connection with Marhaura P.S. Case No. 522 of 2022 registered for the offence under Section 328, 308, 307, 120(B)/34, 304 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The petitioner is not named in the F.I.R. and is in custody since 29.07.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/business of spurious liquor, wherein after consumption three persons died.

5. Learned counsel appearing on behalf of the petitioner submitted that Petitioner is not named in F.I.R., where his name surfaced on the basis of



confessional statement of co-accused, namely, Abhimanyu Kumar, where nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with present occurrence. It is further submitted that the name of petitioner surfaced only for the reason that he also involved in 4 more similar nature of cases, where he is on bail and in most of the cases his name surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted by the learned counsel that the petitioner is in custody since 29.07.2023.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced during the course of investigation to connect this petitioner with present occurrence coupled with the



fact that charge-sheet has been submitted where petitioner is in custody since 29.07.2023 (must be verified by Id. trial court before accepting bail bond), let the petitioner, above named, is directed to be released on bail in connection with Marhaura P.S. Case No. 522 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra, subject to the conditions as mentioned:

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition."

(Chandra Shekhar Jha, J)

Sudha/-

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

