

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72034 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- HARSIDHI District- East Champaran

Ajay Yadav @ Ajay Kumar Yadav Son Of Gauri Shankar Yadav R/O Village-
Dipau, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 304, 308, 328, 201, 34, 272, 273 of the Indian Penal Code and Sections 30(a), 34, 37 and 41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two persons died due to consumption of some poisonous substance served by unknown person.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the FIR and F.I.R. has been lodged against unknown person. The name of the petitioner has come into light, on the basis of confessional statement of co-accused Rajesh Sahni, which has no evidentiary



value in the eye of law. Nothing incriminating article has been recovered from the conscious possession of the petitioner. Save and except, confessional statement of co-accused and petitioner, there is no consistent evidence or material to show his complicity in the alleged occurrence. Only on the basis of suspicion and due to his criminal antecedents, petitioner has been made accused in this case. The other co-accused namely, Lalan Yadav has already been granted bail by this Bench vide order dated 28.11.2023 passed in Cr. Misc. No. 72514 of 2023. Moreover, he is languishing in judicial custody since 25.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no. 1, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 249 of 2023.

(Sunil Kumar Panwar, J)

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