

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77046 of 2024

Arising Out of PS. Case No.-573 Year-2023 Thana- MASHRAK District- Saran

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KRISHNA RAI @ KRISHNA RAY SON OF JYOTIK RAI RESIDENT OF
VILLAGE - BAHRAMPUR, P.S.- BAIKUNTHPUR, DISTRICT -
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Mashrakh P.S. Case No. 573 of 2023 for the offence punishable under sections 272, 273, 328, 308, 120(B) of the Indian Penal Code and Section 30(a) , 33 and 34 of the Bihar Prohibition and Excise Act lodged on 24.11.2023 by the informant, Urmila Devi.

3. As per the prosecution story, the informant alleged that while returning from the work, her husband had a liquor session with Krishna Rai and came along with 250 gram of liquor at home, however, he started feeling headache but as despite the medicine, could not be cured, was taken to Mashrakh Government Hospital and then to P.M.C.H. Accordingly, the



FIR.

4. Learned counsel for the petitioner submits that no such occurrence took place, the husband of the petitioner as per the FIR itself, had carried the liquor to his home, drank and got ill. Surprisingly, he has not been made party accused despite the confession of his wife that he had liquor with him carrying it to home.

5. Learned APP opposes the prayer for bail submitting that after drinking liquor with him, he got ill.

6. As per the FIR itself, the lady has stated that the husband was carrying liquor, this Court finds force in the submission of learned counsel for the petitioner that surprisingly, his name is missing in the list of accused, the petitioner has remained in custody since 02.04.2024 (para 13 of the petition) and in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge Court-2, East Champaran, Motihari in connection with Mashrakh P.S. Case No. 573 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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