

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83354 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- TURKAULIYA District- East
Champaran

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GABBAR YADAV @ NAWAL KISHORE YADAV Son of Virendra Ray
Resident of Village - Jaysinghpur Karamawa, P.S.- Turkauliya, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 04-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Turkauliya P.S. Case No.466 of 2023 registered for the offence
under Sections 304, 308, 328, 201/34 of the Indian Penal Code
and Section 33, 34, 37 and 41 of the Bihar Prohibition and
Excise Act.

3. As per FIR, some persons after consumption
of poisonous substance falling ill and died during course of
treatment.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case. It is submitted that petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of other co-accused, namely, Ajay Kumar Yadav and Lalan Yadav, who have already been granted bail by a learned co-ordinate Bench of this Court, through Cr. Misc. No.58652 of 2023 on 04.12.2023. It is further submitted that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Bench of this Court through Cr. Misc. No.76889 of 2023 on 04.12.2023, Cr. Misc. No.86418 of 2023 on 11.01.2024 and Cr. Misc. No.56535 of 2023 on 08.11.2023. It is submitted that nothing incriminating articles were recovered during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that petitioner is in custody since 20.08.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Turkauliya P.S. Case No.466 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Exclusive
Special Excise Court No.1, East Champaran at Motihari.

(Ramesh Chand Malviya, J)

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