

Dilip Kumar Giri vs The State Of Bihar on 21 November, 2022

Author: Prabhat Kumar Singh

Bench: Prabhat Kumar Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28893 of 2022
Arising Out of PS. Case No.-637 Year-2021 Thana- MOTIHARI TOWN District
Champaran

- =====
1. Dilip Kumar Giri S/O Bal Yogeshwari Giri R/O Village- Karamwa Madhopur, P.S.- Gamhariya, District- East Champaran
 2. Bal Yogeshwar Giri S/O Indrasan Giri R/O Village- Karamwa Madhopur, P.S.- Gamhariya, District- East Champaran

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-11-2022

Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offence punishable under Sections 273, 308, 420/34 and other allied sections of Indian Penal Code and Section 51, 52, 59(i) of Food Safety and Standards Act, 2006.

As per prosecution case, 25-26 trainee constables, after taking meal in mess, of which these petitioners are in charge, became ill and started vomiting and felling ill, dizziness and pain in abdomen.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in Patna High Court CR. MISC. No.28893 of 2022(3) dt.21-11-2022 this case. It is submitted that alleged occurrence took place on 03.10.2021 and FIR for the same has been lodged on 21.10.2021 after lapse of more than 15 days. Moreover, cooking of the food was primarily entrusted with the cooks and petitioners have played no role in preparation of the food in question. It is further submitted that no bodily injury or death has taken place due to that food. Petitioners

have got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioners in the event of their arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in Motihari Town P. S. Case No. 637 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J) navya/-

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