

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24421 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -UCHAKAGAON District- GOPALGANJ

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1. BHUNESHWAR PRASAD @ BHUVNESHWAR PRASAD Son of Late
Shiv Awtar Prasad, Resident of Village- Manikpur, P.S.- Mirganj, District-
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 04-09-2017 Cr. Misc. No.24421 of 2017

Heard the parties.

This application is for grant of regular bail in connection with Uchkagaon P.S.Case No.27 of 2017 , registered for the offences punishable under Sections 328, 304 and 120B of the Indian Penal Code and Sections 34(a)(b)(i)(ii) of Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that the deceased along with the other accused persons had gone to attend a ceremony held in the family of the co-accused and in that ceremony, he was provided some liquor and after coming from the said ceremony, he became faint and started pain in his body and thereafter, in course of his treatment, he died. It has come during



the course of investigation that some liquor were provided to the deceased and other persons also, due to that he had complained about pain in his body and further the viscera report clearly shows that the materials are high poisonous. It also appears from the perusal of the record that the same had been purchased from the Homeopath shop of the petitioner.

Submission of the learned counsel for the petitioner is that all other accused persons have been released on bail by different Bench of this Hon'ble Court vide order dated 19.7.2017 passed in Cr. Misc. No.23955 of 2017 and order dated 19.7.2017 passed in Cr. Misc. No.26351 of 2017 and further there is no allegation that this petitioner has provided the same to the deceased rather it had been purchased from the licensee Homeopath Shop of the petitioner. Furthermore, the petitioner is in custody since 25.2.2017.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides, no doubt some other accused persons have been granted bail by this Court but from perusal of the record, it appears that none of the Hon'ble Co-ordinate Bench has examined viscera report as the same was not available at that time and the viscera report clearly shows that



Ethyl Alcohol along with Methyl Alcohol was detected in the contents of '*plastic dubba*', which is highly poisonous and the same had been purchased from the Homeopath Shop of the petitioner.

Considering the aforesaid facts, I am not inclined to grant bail to the petitioner, as such the prayer for bail of the petitioner is rejected, however, the petitioner is in custody since long, the learned trial court is directed to expedite the trial of the petitioner and try to conclude it within a reasonable time, if possible within nine months.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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