

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13897 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- KACHHAWA District- Rohtas

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Mukesh Singh, S/o Rajendra Singh, Resident of Village- Danwar, P.S.-
Kachhawa, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 328, 34 of the Indian Penal Code and Sections 30(a), 34(a), 34(b), b(i), b(ii), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that one Dhanjit Kumar Singh, brother of the informant Santosh Kumar Singh, had come to the house from Odissa on the occasion of *Chhath* festival on 22.10.2017. In the night of 27.10.2017, Dhanjit Kumar Singh felt restlessness, then on query by the informant, he disclosed that on 26.10.2017, he had taken the liquor at the house of Shashi Singh. While Dhanjit Kumar Singh was rushed to the hospital but he died. The informant further came to know that



one Kamlesh Singh, who had also taken liquor at the house of Mukesh Singh, also died in course of treatment whereas Harihar Singh, who had also taken the liquor at the house of Shashi Singh, also died. Later on, the informant came to know that the liquor was supplied to the aforesaid deceased by Antim Lal Singh, Sonu Thakur and this petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 6.11.2017. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired merely on the basis of suspicion. There is no other substantive evidence to suggest the implication of the petitioner in the present case. No search or seizure was made of the house of the petitioner to substantiate the allegations made in the F.I.R. There is no recovery of any incriminating articles from the possession of the petitioner. The confessional statement of the co-accused has not led to recovery. Co-accused has been granted anticipatory bail vide order dated 09.03.2018 passed in Cr. Misc. No. 9841 of 2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.



Considering the aforesaid facts and circumstances,
it is directed that the petitioner, above named, be released on
bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with
two sureties of the like amount each to the satisfaction of
learned Additional Sessions Judge-II-cum- Special Judge,
Excise, Rohtas in connection with Kachhawa P.S. Case No.
51/2017.

(Sudhir Singh, J)

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