

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19958 of 2022

Arising Out of PS. Case No.-728 Year-2021 Thana- SARAIYA District- Muzaffarpur

Rahul Kumar @ Guddu, S/O Shankar Chaudhry R/O Village- Bakhra, P.S.-
Saraiya, Distt.- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari

For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273, 284, 328, 307, 302, 34, 120(B) of the Indian Penal Code and Sections 30(a), 37(b), 33, 36, 34 of the Excise Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 30.10.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioner further submits that the informant alleges that he received information that one person died and 5-7 persons fell ill after consuming spurious liquor in the house of Mukesh Bhagat on the eve of Chhathi on



his maternal grandson. Further the people disclosed that the named accused persons including the petitioner had participated in the function and had provided the spurious liquor. It is further alleged that since the name of the accused persons were disclosed, as such, house of one Santosh Kumar was raided and one litre of liquor along with various articles as detailed in the F.I.R. was recovered.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The allegation appears to be general and omnibus as it has been alleged that petitioner along with the named accused persons had participated in the feast when the 100 of people along with the petitioner had also participated in the Chhathi of the maternal grandson of Mukesh Bhagat. It is submitted that the persons inimical to the petitioner falsely implicated him by alleging that he along with other named accused persons had provided the spurious liquor.

Learned A.P.P. opposes the bail application and submits that there is specific allegation in the F.I.R. that the petitioner along with other named accused persons had provided the spurious liquor which led to death of one innocent person and 5-7 persons fell ill. The learned A.P.P. very fairly submits



that no doubt, the allegation is not specific against any of the accused persons, but then a person has died.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with a liberty to the petitioner to renew his prayer for bail after framing of charge.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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