

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55564 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- RAJAPAKAR District- Vaishali

Bulbul Jha @ Rajesh Kumar Mishra @ Rakesh Kumar Mishra S/o Late
Janardhan Mishra R/V- Baikunthpur, P.S.- Rajapakar, Distt-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Rajapakar P.S. Case No. 266 of 2021, lodged under Sections
302, 328, 120(B) and 34 of Indian Penal Code later on charge-
sheet submitted under Sections 328, 302, 120(B) and 34 of the
Indian Penal Code read with Sections 34(A), (B)(1), 27(A), (B)
of the Bihar Prohibition and Excise Act.

As per prosecution case, the allegation against the
petitioner is to provide wine in the name of health tonic to the
deceased (father of the informant).

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence and there is no direct allegation against him in this case rather whatever allegations have been made, are on the basis of circumstantial evidence and at this level those circumstantial evidence may not be looked into. Learned counsel also submits that petitioner is in custody since 09.12.2021 and there are 7 criminal cases pending against the petitioner in which five cases were earlier and 2 cases have recently been filed, after filing of the present case and charge-sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that allegation of preparing spurious wine is against the petitioner, which has resulted into death of persons.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner therefore his bail petition is hereby rejected.

(Dr. Anshuman, J)

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