

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16015 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- ALAMGANJ District- Patna

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VISHAL KUMAR Son of Shashi Bhushan Yadav R/o Mohalla- Kumhrar,
P.S.- Agam Kuan, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 328, 302/34 of the
Indian Penal Code and Sections 34/36 of the Bihar Prohibition
and Excise (Amendment) Act.

3. As per prosecution case, the nephew of the
informant told to informant that he is not well. On enquiry by
the informant, he was informed by Akhilesh Kumar (nephew of
the informant) that he had consumed liquor from the petitioner
and after that he was feeling uneasy and he died. It was further



stated by the informant's nephew that one Vivek Kumar and Vinod Kumar also consumed liquor with him and Vivek Kumar also died in his house after consuming the same.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. The statement of the informant recorded u/s 161 of the Cr.P.C., it will be evident that his nephew (deceased) was a habitual drinker. Thus, the deceased died and on the basis of suspicion, the accused persons have been implicated in the present case. The accused persons and the informant are relatives and they have been named in the FIR only with malice intention. There is no intention to kill the informant's nephew and others, the deceased persons are responsible for their death themselves. No incriminating article/spurious liquor has been recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 04.11.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Alamganj P.S. Case No. 540 of 2022.

(Sunil Kumar Panwar, J)

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