

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25969 of 2023

Arising Out of PS. Case No.-30 Year-2021 Thana- KATRA District- Muzaffarpur

MUKESH KUMAR SINGH @ MUKESH SINGH Son of Late Jay Narayan
Singh Resident of village-Baradih, Police Station-Katra, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner renews his prayer for bail in connection
with Katra Police Station Case no. 30 of 2021 registered under
Sections 272/273/304/201/302/328 of the Indian Penal Code
and Section 34 of the Bihar Prohibition and Excise Act, 2016,
dated 18.02.2021.

As per the prosecution story, the First Information
Report lodged on the basis of the fardbayan by the chowkidar is
that on 18.02.2021, the informant got information that one Ram
Chandra Manjhi, aged about 78 years and his wife, Manju Devi,
died due to some ailment and their dead bodies were cremated
by their family members. It has further been alleged that during



the course of enquiry, the informant came to know that the petitioner, Mukesh Singh, who is said to be the liquor trader, had supplied liquor to the couple and they died due to consumption of liquor. It has further been alleged that due to supply of liquor other villagers also fell ill.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has been falsely implicated on the basis of the statement of the chowkidar.

There is no evidence to show that the petitioner had supplied the liquor to the deceased or any villagers. He also submits that during the course of investigation, it has been revealed that one person, namely, Vinod Manjhi, died on 19.02.2021 after consumption of liquor and from perusal of the inquest report prepared by the police on the basis of U.D. case lodged by his wife, it would be evident that he died due to tuberculosis and the doctor has reserved the opinion regarding cause of death after conduction post mortem examination and it is not true that Vinod Manjhi died due to consumption of liquor.

He next submits that the opinion of doctor has not yet been brought on record by the investigation authority.

It has also been submitted that while rejecting the bail



application of the petitioner for the first time, this Court had granted him liberty to renew his prayer for bail after nine months, if the trial does not show any progress.

Referring to the paragraph-16 of the bail application, learned counsel submits that the charges have not yet been framed and only cognizance has been taken by the learned Special Court.

The petitioner is in custody since 06.07.2021.

Regards being had to the submissions made by the parties and taking into consideration the tardy progress of the trial and the fact that the petitioner is in custody for about two years. I am inclined to grant regular bail to the petitioner.

Let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount, each to the satisfaction of learned Special Judge SC/ST Act, Muzaffarpur in connection to the Katra Police Station Case no. 30 of 2021 registered under Sections 272/273/304/201/302/328 of the Indian Penal Code and Section 34 of the Bihar Prohibition and Excise Act, 2016, dated 18.02.2021.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in



the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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