

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34711 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- ISUAPUR District- Saran

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MUKESH KUMAR S/o of Harindar Prasad Resident of Village-
Shamkauriya, P.S.- Isuwapur, District- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshman Lal Pandey, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Isuwapur P.S. Case No.280 of 2022 instituted under
Section 272,273,328,308,304,120B of the Indian Penal code and
33/34 of the Bihar Prohibition and Excise Act lodged on
14.12.2022 by the informant Sanjay Ram.

As per the FIR, on 14.12.2022 information spread that
Amit Ranjan Sinha, Dinesh Thakur, Prem Chandra Shah, Sanjay
Singh and Vijendar fell ill and taken to Masrakh for treatment
and then informant along with police force/ personnel went to
the said place Mashrakh and it was found that Bichandra Rai
and Sanjay Singh had already died and post mortem report was
noted by Vipin Kumar and it was also found that some other
person also referred to Referral Hospital Chapra for better



treatment. When the police visited/Referral Hospital, it was found that Dinesh Thakur and Prem Chandra Sah, both resident of Rampur Attoli are in unconscious position and treatment was going on.

From the local people and the Chaukidar etc. the informant came to know that Anil Ranjan Sinha has taken illicit liquor from the shop of Hareram Mahto and his son Suraj Kumar which they used to sell behind the grocery shop. It also came to knowledge that Saroj Rai son of Babulal Rai sold the wine illegally near Bridge situated at some distance of his house and hence above mentioned people died and/or due to the sell of said illicit liquor. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has not been named in the FIR nor there is any recovery/seizure from his part. His name has come in the confessional statement of the co-accused that he was also part of the team which used to sale the spurious liquor. It is his categorical submission that so far as the observation of the learned Sessions Judge in the order sheet is concerned, it relates to co-accused and not the petitioner herein. The last submission is that similar placed co-accused from whom there was no recovery (Rajesh Singh @ Rajesh Kushwaha) has since been released on bail by a co-



ordinate bench in Cr. Misc. No.33630 of 2023 on 24.05.2023.

Learned APP opposes the prayer stating that he was also part of the gang that use to sale spurious liquor which caused death of number of persons.

Considering the fact that the petitioner is not named in the FIR nor anything recovered from his possession and the allegation against him has come in course of investigation by the co-accused, similar placed co-accused Rajesh Singh @ Rajesh Kushwaha against whom there also was no recovery and has since been released on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Isuwapur P.S. Case No.280 of 2022 to the satisfaction of learned Ist Special Judge, Excise Judge, Saran at Chhapra, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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