

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43119 of 2022

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

SANTOSH KUMAR Son of Raghuveer Rai Resident of Village - Dhanrajpur,
P.s.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 14-03-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection

with Saraiya P.S. Case No. 728 of 2021, registered for the

offences punishable under Sections 272, 273, 284, 328, 307,

302/34, 120(B) of the Indian Penal Code and Section

30(a)/37(b)/33/36/34 of Bihar Prohibition and Excise Act 2016.

As per allegation, at the occasion of *Chhati* of his

grandson, co-accused Mukesh Bhagat convened a party. Some

persons consumed spurious liquor and one of them died due to



toxicant liquor. The petitioner and other persons were also participated in the party. Allegedly the eight named accused persons, including the petitioner made available liquor for consumption in that party.

The learned counsel for the petitioner has submitted that except the fact that petitioner was present in that party, there is nothing against him. He has submitted further that other persons, on the similar footing have been granted bail by the co-ordinate Bench of this Court. The petitioner is under custody since 31.10.2021.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No-II, Muzaffarpur in connection with Saraiya P.S. Case No. 728 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the



similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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