

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60856 of 2022**

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

MUKESH KUMAR @ MUKESH BHAGAT, male, aged about 39 years, Son of Late Kishun Bhagat Resident of Village- Laxamipur Arar, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      13-01-2023      This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Saraiya P. S. Case No. 728 of 2021, registered for the offence punishable under Sections 272, 273, 284, 328, 307, 302 and 120B/34 of the Indian Penal Code and Sections 30(a), 37(b) 33, 36 and 34 of the Bihar Prohibition and Excise Act, 2016.

At the petitioner's house, it is alleged that some liquor was served on the occasion of 'chhathi' where one person has died as the liquor being served was spurious.

The learned counsel for the petitioner submits that no liquor was served at his house. The First Information Report (*for brevity FIR*) has been lodged five days after the alleged function. The cause of death has not been ascertained to be on account of consumption of spurious liquor and in the investigation, liquor has been recovered from the house of co-accused, namely, Santosh



Kumar. Co- accused persons, namely, Rahul Kumar @ Guddu, Arun Kumar and Amarnath Bhakat @ Amarnath Bhagat @ Pappu Bhakt @ Pappu Bhagat, including others who have said to have supplied the liquor have been allowed bail vide Cr. Misc. No. 71099 of 2022, Cr. Misc. No. 30343 of 2022. The petitioner has no antecedents and he is in custody since 10-08-2022.

The learned APP has opposed the prayer for bail

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-II, Muzaffarpur, in connection with Saraiya P. S. Case No. 728 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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