

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64604 of 2023

Arising Out of PS. Case No.-727 Year-2021 Thana- SARAIYA District- Muzaffarpur

Sonu Kumar Son Of Sri Ramnath Sah Village- Bakhra, Ps- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Dilip Kumar No. 1, learned APP for the State.

2. The petitioner apprehends his arrest in Saraiya P.S. Case No. 727 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), 30(c), 37(b) of the Bihar Prohibition and Excise Act, 2016, pending in the Court of learned Exclusive Special Judge, Excise, Court No.II, Muzaffarpur.

3. As per the prosecution case, the informant got secret information that on winning of Amit Kumar @ Bittu, as Ruapuli Ward Member-12, in Panchayat Election, 2021, a party



was organized at the house of Dhiresh Kumar @ Goltu in the evening of 27.10.2021, in which two persons died of consuming poisonous liquor and 5-6 persons were treated as Muzaffarpur Hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the F.I.R. but during the course of investigation the name of the petitioner has cropped up in this case. He further submits that *chaukidar* and local villagers have taken the name of the petitioner due to enmity. The petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the name of the petitioner came during the course of investigation, it is clear from paras 8 and 9 of the case diary. He further submits that it is not fit case for anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail



of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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