

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2739 of 2025

Arising Out of PS. Case No.-494 Year-2024 Thana- BIDUPUR District- Vaishali

Rohit Kumar Son of Shyam Sundar Rai Resident Of Village -Bishanpaltu, Ps-
Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP
For the Informant : Mr. Pramod Kumar, Advocate
Mr. Asmita Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 17-03-2026 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 109, 123,
103 (1), 61 (2), 3 and 5 of the BNS.

3. The case of the prosecution, in brief, is that on
21.08.2024, the petitioner called the son of the informant to
attend a party. It is alleged that the informant's son-in-law,
Kamlesh Kumar, the informant's son, Shaurya Kumar @ Chotu
Kumar, and one Satish Kumar attended the said party. After the
party, all three returned home and went to sleep. Upon being
awakened, they complained that they were unable to see, and
subsequently, all three persons died.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the only allegation against the petitioner is that he had invited the deceased persons to the party. It is further submitted that the party was held at a poultry farm, indicating that the petitioner was the host. It is further submitted that the postmortem report does not reveal any ante-mortem injury on the bodies of the deceased. The viscera was preserved, and as per the FSL report, methyl alcohol along with ethyl alcohol was detected in the contents of the glass jar. It is submitted that methyl alcohol is highly poisonous, whereas ethyl alcohol is the principal intoxicating ingredient in alcoholic beverages. Therefore, it is contended that the deaths occurred due to consumption of spurious liquor containing methyl alcohol.

5. On the other hand, learned counsel for the Informant submits that the party was hosted by the petitioner and all arrangements were made by him. It is further submitted that the bail of a similarly situated co-accused has already been rejected by a Coordinate Bench of this Court.

6. Considering the aforesaid facts and circumstances, particularly the allegation that the petitioner had hosted the



party where the deceased persons consumed spurious liquor leading to their death, this Court is not inclined to grant the privilege of bail to the petitioner at this stage.

7. However, a report has been called for from the learned Trial Court regarding the stage of the trial, which indicates that three witnesses have been examined so far and the trial is likely to be concluded within nine months.

8. In view of the above, the petitioner is granted liberty to renew his prayer for bail after nine months, if the trial is not concluded within the said period.

(Ashok Kumar Pandey, J)

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