

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40119 of 2017

Arising Out of PS.Case No. -348 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Indu Devi, Wife of Late Sheo Narayan Pasi, Residence of Khajurbani,
Ward No.-25, P.S.- Gopalganj, Distt- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.09.2016 in connection with Gopalganj Town P.S. Case No.
348/2016 for offences punishable under Sections 328, 304, 120-
B/34 of the Indian Penal Code and Section 50(A)(B)(C) of the
Excise Act.

The prosecution case, as lodged by the police
personnel, is that on information that large number of persons are
sick and some died due to consumption of spurious toddy and
liquor, the police went to the hospital and was informed that the
said persons had taken toddy from the shop of one Nagina Pasi
and large number of other persons named in the First Information



Report including the petitioner are involved in manufacture of spurious toddy.

It has been submitted by the learned counsel for the petitioner that she is innocent and has been falsely implicated in the aforesaid case. He submits that petitioner is not involved in manufacture of spurious toddy or illicit liquor and she is languishing in judicial custody for nearly 15 months. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and co-accused named in the First Information Report have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. Nos. 12275, 7328, 13639, 13978 all of 2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record including the period of custody and that petitioner is a lady, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case No. 348/16, subject to the following conditions :

- (i) One of the bailors of the petitioner shall be a local



person having sufficient immovable property within the jurisdiction of the concerned court.

- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make herself available as and when required by the court and on the event of failure on her part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of her bail.

(Nilu Agrawal, J)

Rajesh/-

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