

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2496 of 2022**

Arising Out of PS. Case No.-418 Year-2021 Thana- PATORI District- Samastipur

Kusum Devi W/o Shambhu Rai @ Abhilakh Rai Resident of Village - Rupauli  
Chaksima, P.S.- Shahpur Patory, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Bijay Bhushan Prasad, Advocate |
|                          | : | Ms. Sadhna Suman                   |
| For the Opposite Party/s | : | Ms. Renu Kumari, APP               |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      12-07-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Shahpur  
Patory P.S. Case No. 418 of 2021 registered for the offence  
under Sections 272, 273, 307, 328, 302, 120(B) and 34 of the  
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 08.11.2021.

The allegation against the petitioner is to sell spurious  
poisonous liquid, after consumption of which four persons died.

Learned counsel appearing on behalf of the petitioner  
submitted that the petitioner has been implicated in this case



only being the wife of co-accused, Shambhu Rai @ Abhilakh Rai. It is submitted that there is no recovery of spurious poisonous liquid and also that no chemical or forensic report is available for the same. It is further submitted that the name of the petitioner surfaced on the basis of confessional statement of his son, alleging thereof, only to serve. While concluding the argument, it is submitted that petitioner is a person of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that except confession, as regard to serve, nothing incriminating surfaced during the course of investigation against the petitioner.

Considering the facts and circumstances as mentioned above, as no spurious poisonous liquid recovered from the possession of the petitioner and further no chemical/forensic report is available and moreover, the name of the petitioner, who is a lady of clean antecedent, surfaced on the basis of confessional statement, let the petitioner, above named, is directed to be released on bail in connection with Shahpur Patory P.S. Case No. 418 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Manjay Kumar, who is the son-in-law of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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