

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52913 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- GOPALPUR District- Patna

Shobha Devi @ Shobha @ Somee Devi Wife Of Bishambhar Manjhi @
Bishambhar Prasad R/O Village- Monoharpur Kachhuara, P.S.- Gopalpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Shekhar, Advocate.

For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Today this case has been listed on the urgent motion slip filed by the learned counsel for the appellant.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sudhanshu Shekhar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gopalpur P. S. Case No. 309 of 2022 giving rise to Special Case No. 3452 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323,



325, 332, 307, 353 and 427 of the Indian Penal Code and Sections 30 (a)(c) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is based on a written report filed by the informant alleging therein that the police, on a secret information, conducted a raid in the house of Ramesh Manjhi and Purvaj Manjhi. On search, 7 litres country made liquor from the house of Ramesh Manjhi and 6 litres country made liquor from the house of Purvaj Manjhi was recovered. It is also alleged that during the search 1000 litres Mahua Java was also recovered. In course of raid 50-60 persons armed with Lathi-Danda, Bricks and Stone by forming illegal assemblage, attacked on the police personnel and started pelting stones and also assaulted with Ladhi and Danda due to which 2-3 police personnels were sustained injuries. The local Choukidar and spy disclosed the name of 40 persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a lady and there is no specific allegation attributed against her, however, only on account of one past criminal antecedent her name has been implicated in this case. It is also submitted that no recovery has been made from her person or possession, apart from the fact



that the investigation of the crime is already complete, and the charge sheet has been submitted and she is in custody since 21.07.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the 2-3 police personnels have sustained injuries.

Regard being had to the submissions made on behalf of the parties and taking into account the materials available on record as also the general and omnibus nature of allegation, apart from the injuries have been found to be simple in nature, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Gopalpur P. S. Case No. 309 of 2022 giving rise to Special Case No. 3452 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.



- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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