

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67973 of 2021

Arising Out of PS. Case No.-160 Year-2021 Thana- LAURIA District- West Champaran

Malti Devi, Wife of Birbal Sah @ Chotelal Sah, Resident of Village- Deurwa,
P.S.- Lauriya, District- West Champaran, at present residing at Village-
Tribhawani, P.S.- Bhairoganj, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Lauriya
P.S. Case No.160 of 2021 registered for the offence punishable
under Sections 272, 273, 307, 328 read with Section 34 of the
Indian Penal Code and Sections 30(a), 33, 34(a), 34(b), 34(b)
(ii), 34(b)(iii) of the Bihar Prohibition and Excise Act, 2018.

On 13.07.2021, the informant's cousin suddenly fell
ill and thereafter he was taken to the hospital. It is the
prosecution case that one day prior thereto, his cousin has
informed the informant that he had consumed liquor at the place
of one Thag Sah and Suresh Sah.

Petitioner's counsel submits that Thag Sah has stated



the petitioner's name in the confessional statement, leading to implication of the petitioner.

The submission is that the petitioner bears a clean antecedents. She is in custody since 19.07.2021, based on exculpatory statement of a co-accused. It is also submitted that the petitioner being a lady has been implicated in this case merely because she happens to be a close relative of named accused Thag Sah, which fact has taken note of in the order dated 16.09.2021 passed by the Special Judge, Excise, while rejecting the petitioner's application for bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents, period of custody, the investigation is complete and the fact that there is no recovery of any incriminating article from the petitioner as per submission of the petitioner's counsel as also the fact that the extra-judicial confession does not forms the basis for her accusation in the instant case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran, in connection with Lauriya P.S. Case No.160 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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