

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58922 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- JURAWANPUR District- Vaishali

1. Mahamani Devi @ Mahamuni Devi @ Jhamani Devi W/O Late Patuni Ram @ Patni Ram Resident of Village- Virpur, P.S.- Jurawanpur, District- Vaishali at Hajipur.
2. Guriya Devi W/O Sudip Ram Resident of Village- Virpur, P.S.- Jurawanpur, District- Vaishali at Hajipur.
3. Chandrakala Devi @ Chandrakaliya Devi W/O Sudhir Ram Resident of Village- Virpur, P.S.- Jurawanpur, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1303 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- JURAWANPUR District- Vaishali

Pawan Mahato S/O Dev Nandi R/O Village- Birpur, Ward No- 10, P.O- Birpur, P.S- Jurawanpur, District- Vaishali at Hajipur, Pin Code- 844508 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58922 of 2022)

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 1303 of 2023)

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with



Jurawanpur P.S. Case No. 138 of 2022, registered for the offences punishable under Sections 272, 273, 328, 302, 201 and 120(B)/34 of the Indian Penal Code and Section 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as emerges from the FIR is that on account of consumption of spurious liquor, some persons have died and it is claimed that accused-persons have sold the spurious liquor.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the whole case is based only on suspicion. He also submits that no spurious liquor has been recovered from them. At most one empty plastic container has been recovered from accused Subodh Rai and even that container was not containing any liquor and only smell has been claimed to be coming from this container.

He further submits that the petitioners, namely, Mahamani Devi, Guriya Devi and Chandrakala Devi have



been languishing in jail since 29.08.2022 and petitioner namely, Pawan Mahto has been languishing in jail since 30.08.2022.

It has also been stated in paragraph no. 3 of the bail petition in Cr. Misc. No. 58922 of 2022 that the petitioners no. 2 and 3 have earlier been made accused in one case each, in which they are on bail, whereas petitioner no. 1 has no criminal antecedents.

It has also been stated in paragraph no. 3 of the bail petition in Cr. Misc. No. 1303 of 2023 that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail



bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Concerned Trial Court in connection with Jurawanpur P.S. Case No. 138 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting



satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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