

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37963 of 2024

Arising Out of PS. Case No.-373 Year-2021 Thana- NAWADA District- Nawada

Usha Chaudhary @ Usha Devi Wife of Rajo Chaudhary @ Raju Chaudhary
Resident of Village- Chaudhary Tola, Kharidi Bigha, P.S.- Nawada (Nagar),
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey (App 84)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks regular bail in connection with
Nawada (Town) P.S. Case No.373 of 2021, dated 02.04.2021
registered for the offences punishable under Sections 33, 34, 36
of Bihar Prohibition and Excise Act, 2016.

3. The prosecution case as emerges from the FIR is
that One Akash Kumar, Son of the Informant died on account
of consumption of spurious liquor.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the Petitioner is not named in the
FIR and nothing has been recovered from the conscious
possession of the Petitioner except confession before the police



which has no evidentiary value. He further submits that similarly situated other co-accused persons have been granted bail either by the co-ordinate Bench of this Court or by this Court.

5. He further submits that the petitioner has been languishing in jail since 07.12.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in ten other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-Ist, Nawada in connection with Nawada (Town) P.S. Case No.373 of 2021 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J)

Chandan/
ravishankar-

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