

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20906 of 2025

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

Usha Devi Wife of Rajo @ Raju Chaudhary Resident of village- Kharidibigha
p.s.- and District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nawada
P.S. Case No. 382 of 2021 instituted for the offences under
Sections 33, 34, 36 of the Bihar Prohibition and Excise Act,
2018.

3. As per prosecution case, the Informant's husband
has died due to consumption of adulterated liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against her and has falsely been implicated in the present case
due to highhandedness of the police. The petitioner is not named
in the F.I.R. and her name has surfaced in this case in course of



investigation on the basis of the confessional statement of the co-accused Manti Devi in Nawada P.S. Case No. 602 of 2020 recorded before the police which has no evidentiary value in the eye of law and, except confessional statement, there is nothing against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether thirteen criminal antecedents and she has been remanded in this case from Nawada P.S. Case No. 385 of 2021 and, since then, she is in custody without any rhymes or reason. Charge-sheet has been submitted in this case and, hence, there is no chance of tempering of evidence against the petitioner.

5. Learned counsel for the petitioner again submits that the co-accused persons have already been granted bail by this Court vide orders dated 22.11.2024 and 02.08.2024 passed in Cr. Misc. Nos. 81781 of 2024 & 57065 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the prayer for bail being based on parity as also the petitioner being lady, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada P.S. Case No. 382 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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