

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30529 of 2025

Arising Out of PS. Case No.-54 Year-2021 Thana- VIJAYEPUR District- Gopalganj

1. Suganti Devi W/O- Subash Gond R/O-Village- Matiyari, P.S.- Vijaipur, District- Gopalganj.
2. Kiran Devi W/O- Ramchandra Gond R/O Village- Raipura, P.S.-Kateya, Dist.- Gopalganj.
3. Sunita Devi W/O- Guddu Gond R/O Village- Kurthhiya, P.S.- Kateya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 22-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Vijaipur P.S. Case No. 54 of 2021 instituted for the offences under Sections 302, 328, 120B, 34 of the Indian Penal Code and Section 44 of the Bihar Prohibition and Excise Amendment Act.

3. Prosecution story, in short, is that two labourers working at a brick-kiln died after consuming toxic alcohol and the forensic report confirmed the presence of ethyl and methyl alcohol in their bodies. Based on this, an FIR was lodged against unknown persons involved in selling illicit liquor.



4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Petitioners are not named in the F.I.R. The name of the petitioners transpired in this case on the basis of confessional statement of the co-accused Subhash Gond who happens to be the husband of petitioner no. 1 and brother of petitioner nos. 2 and 3. Learned counsel further submitted that confessional statement recorded before the police has no evidentiary value before the eye of law. No specific overt act is alleged against these petitioners. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that co-accused Subhash Gond has already been acquitted of all charges by the learned court below and, in support of his submission he has annexed the said judgment as Annexure-P/3 to the present bail application. It has been submitted on behalf of the petitioners that the petitioners are in custody since 16.12.2024 and have two criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that allegation against these petitioners is serious in nature and prayer for grant of bail to co-accused



Subhash Gond has already been rejected by this Court vide order dated 16.02.2023 passed in Cr. Misc. No. 16392 of 2022.

6. Considering the aforesaid facts and circumstances of the case as also nature and gravity of offence coupled with fact that petitioners have similar nature of criminal antecedents, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for grant of bail to the petitioners is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial and conclude the same without any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

Alok Verma/-

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