

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49244 of 2016**

Arising Out of PS.Case No. -125 Year- 2016 Thana -KHAIRA District- SARAN

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1. Pappu Shrivastawa @ Ranjan Kumar Shrivastawa Son of Late Vishwanath Prasad  
2. Rekha Devi W/o Manoj Kumar Prasad Both R/o Village - Patedha, P.S. Khaira, Distt. Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      19-12-2016      As prayed, the application filed on behalf of petitioner no. 1 is dismissed as withdrawn.

Heard the Counsel for the petitioner and Mr. Dayal, APP for the State.

Petitioner, being lady, has been made accused of Khaira P.S. Case No. 125 of 2016 registered under section 47A of the Excise Act with an allegation that on a tip-off, the house of Birendra Prasad Srivastava was searched wherefrom 5 ltrs of mahua wine, 12 kgs of fermented mahua and about 14 kgs and odd of the articles/liquid used in manufacture and production of the country made liquor were recovered. It is stated that the petitioner no. 2 is the sister of co-accused Pappu Srivastava as well as niece of co-accused Birendra Prasad Srivastava. The house actually



possessed by the male co-accused of the family. Being a lady, she deserves special treatment and hence the privilege of anticipatory bail, particularly, when she has no criminal background. The other two cases in which she has been named accused arise out of family feud/dispute wherein she has been granted the privilege of bail.

Let the petitioner no. 2, namely, Rekha Devi, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Saran at Chapra in Khaira P.S. Case No. 125 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

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

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in



accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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