

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74250 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- RAJAPAKAR District- Vaishali

Gayatri Devi W/o Upendra Singh Resident of Village- Rajapakar Jahingara,
P.S. Rajapakar District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Sri Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rajapakar P.S. Case No. 135 of 2018, disclosing offence under Sections 341, 323, 504 and 290 of the Indian Penal Code and Sections 37(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the First Information Report that the accused persons were abusing the informant and on objection, the petitioner thrashed her on the ground. It is alleged that co-accused, Upendra Singh, was drunk and that is the only reason for adding Sections 37(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner is correct in his



submission that no offence under the provisions of the Act is made out and, therefore, bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, shall have no application.

Accordingly, this application is allowed. The petitioner, above named, in the event of her arrest or surrender before the Court within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 135 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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