

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23045 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- Bithan Bazar District- Samastipur

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1. Miso Devi Wife of Dinesh Mukhiya
2. Dinesh Mukhiya Son of late Kaleshwar Mukhiya
Both Resident of Village Bithan, P.S. Bithan, District Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-04-2018 Heard Sri Sarbottam Kumar Sarkar, learned counsel for the petitioners and Sri Jagdhar Prasad, learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Bithan P.S. Case No. 19 of 2018 registered for offence under Sections 272, 273 of the Indian Penal Code and Section 30(a), 30(d) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

On perusal of statement made in paragraph – 3 of the petition, it is evident that petitioner no. 2 is having criminal antecedent and he is accused in one another case relating to offence under the Excise Act and as such, there is no reason to entertain the prayer for anticipatory bail of petitioner no. 2.



Accordingly, the prayer for grant of anticipatory bail of petitioner no. 2 Dinesh Mukhiya stands dismissed.

So far as petitioner no. 1 (Miso Devi) is concerned, she is lady and having no criminal antecedent.

Considering the nature of accusation, clean antecedent and the fact that petitioner no. 1 is lady, in the event of her arrest or surrender within a period of six weeks from today, let the petitioner no. 1 namely Miso Devi be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge cum Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 19 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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