

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3156 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- KALYANPUR District- East Champaran

1. Bashir Ahmad @ Basir Ahmad aged about 50 years, Male, Son of Late Santar Ansari Resident of Village- Mangalapur, P.S.- Kalyanpur, Dist- East Champaran.
2. Musrat Jahan @ Najira Khatoon @ Najra Khatoon aged about 25 years wife of Imteyaj Alam @ Imteyaj Ahmad, Resident of Village- Mangalapur, P.S.- Kalyanpur, Dist- East Champaran.(Female)
3. Gajala Praveen @ Gejala Praveen aged about 25 years wife of Amjad Ali, Resident of village- Bansghat Gawandra, P.S.- Chakiya, Dist- East Champaran (Male)

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Sharan
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners in the present case are seeking anticipatory bail in connection with Kalyanpur P.S. Case No.175 of 2018 dated 14.08.2018 registered for the offences punishable under Sections 341, 342, 323, 307, 324, 325, 353 and 34 of the Indian Penal Code and under Sections 30 (a) and 45 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that in the midnight police party without having any lady constable forcibly entered into the house of the petitioners. The allegation



is that when the police party entered in the house and caught hold of the petitioner no. 1 who was co-accused in Kalyanpur P.S. Case No. 140 of 2018 and the police had information that he is involved in trade of illicit liquor, the other petitioners confined the police party and attacked upon them and in the process they took away the petitioner no. 1 who was caught hold of by the police in the house. Learned counsel submits that petitioner nos.2 and 3 are the ladies members of the family who were in the house when in the dead night the police party entered into the house without having any lady constable. The allegations against them are false, concocted and baseless which will be apparent from the fact that in the F.I.R. itself the police claims to have arrested one Imtiyaz Alam one of the family members of the family.

Learned APP for the State is present and has opposed the prayer for anticipatory bail to the petitioners.

In the given facts and circumstances, so far as Vashir Ahmad (petitioner no.1 is concerned) since this Court finds that as per allegations he is an accused in one more case and it is he who had fled away from the hand of the police party, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.1.



So far as, petitioner nos. 2 and 3 are concerned, they are ladies family members who have been made accused in this case, a narration of the F.I.R. itself shows that there were no ladies constable with the police party, however, this aspect of the matter may be brought by the petitioners to the notice of the senior police officer to look into. This Court would grant the privilege of anticipatory bail to petitioner nos. 2 and 3 in the present case.

In the given facts and circumstance of the case, let petitioner nos. 2 and 3 in case of their arrest or surrender within a period of four weeks from today, the abovenamed petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.15,000/-(rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Addl. Sessions Judge-cum-Special Judge Excise Act at Motihari in connection with Kalyanpur P.S. Case No.175 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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