

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63840 of 2019**

Arising Out of PS. Case No.-373 Year-2018 Thana- CHANPATIA District-
West Champaran

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MAINA DEVI Wife of Tunni Majhi @ Tunni Manjhi Resident of Village -
Pokharia Rai Musahar Toli, P.S.- Chanpatia, Distt - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party: Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 147, 148, 149, 224, 332, 333, 337, 338, 341, 342, 323, 307, 353 of the Indian Penal Code and Sections 30(A), 45 of the Bihar Prohibition and Excise Act registered in connection with Chanpatia P.S. Case No. 373 of 2018.

3. It is submitted that the petitioner has been falsely implicated. As far as the petitioner is concerned, the only accusation is that she was a member of a mob who tried to help the arrested co-accused Indal Manjhi @ Lal Manjhi to escape, who was being taken away by the police after recovery of five litres of country liquor from him. The petitioner is a lady claiming clean antecedents.

4. Ordinarily, an anticipatory bail petition in relation to the offence under the Bihar Prohibition and Excise Act, 2016 is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients of the offence alleged against a persons are not made out, as observed by a



Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar Vs. The State of Bihar) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the F.I.R. alleging any offence to have been committed by the petitioners in order to attract the provisions of the said Act.

6. As regards the other penal sections, it is submitted that the accusations are general and omnibus in nature and no specific accusation has been made against the petitioner. No injury has been caused any one. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 15178 of 2019. The petitioner claims clean antecedents.

7. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise, West Champaran at Bettiah in connection with Chanpatiya P.S. Case No. 373 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall be well represented in



Court on each and every date during trial except as and when directed by the learned Court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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