

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17196 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- MADHWAPUR District- Madhubani

BABITA DEVI, age about 30 years, Wife of Pramod Mandal, Resident of
Village- Balwa, P.S.- Madhwapur, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.
For the Opposite Party : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending her arrest in
connection with Madhwapur P.S. Case No. 150/2020 for the
offence registered under Sections 272, 273, 341, 342, 323,
353,188, 379, 504, 506/34 of the I.P.C., 30(a), 45 of the Bihar
Prohibition and Excise (Amendment) Act, 2018 and 3(1)(x),
13(2), (va) of the SC/ST Act.

The prosecution story, in brief, is that total 69.67 liters
wine is recovered from three different places.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 69.67 liters wine is recovered from three different places. As far as Sections of the I.P.C. is concerned, general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by local Chaukidar. The petitioner is a lady. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of the learned A.D.J.-2, Madhubani, in connection with Madhwapur P.S. Case No. 150/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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