

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33614 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- AHYAPUR District- Muzaffarpur

1. VINOD PASWAN Son of Dahaur Paswan Resident of Village- Jhapahan Dih, P.S.- Ahiyapur, Distt.- Muzaffarpur.
2. MAMTA DEVI W/o Vinod Paswan Resident of Village - Jhapahan Dih, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwari-I, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2021 Heard Mr. Hari Kishore Thakur, learned
Advocate for the petitioners and Mr. Sanjay Kumar
Tiwari-I, learned APP for the State.

The petitioners, who are husband and wife amongst themselves, seek bail in anticipation of their arrest in connection with Ahiyapur P.S. Case No. 122 of 2020 dated 03.02.2020 instituted for the offences under Sections 272, 273, 290 and 34 of the Indian Penal Code and Sections 30(a), 37(c) and 36 of the Bihar Prohibition and Excise Act.

Two persons viz. Raju Sahni and Rajkishore Sahni were arrested on being found to be inebriated. They disclosed that they had purchased the liquor which they had consumed from one Indal Sahni. On such



information, the house of Indal Sahni was raided and from there four persons are said to have run away. Many bottles of liquor was found from the house of aforesaid Indal Sahni. The petitioners are alleged to have run away from the place of raid. They are stated to be the brother and sister-in-law of aforesaid Indal Sahni.

Learned counsel for the petitioners has submitted that the brother of the petitioner no. 1 has been an accused in a case of similar nature in the past but only because the petitioners happen to be related to aforesaid Indal Sahni, they have been made accused in the present case. The petitioners stay separately from Indal Sahni and for all practical purposes, they have no connection with the affairs of aforesaid Indal Sahni.

Learned counsel for the petitioners has also stated that in the impugned order there is an error of record that the petitioner no. 1 was made accused in a case of similar nature. In fact, the case which has been referred to in the impugned order is against Indal Sahni and not against petitioner no. 1.

Considering the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their



furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 122 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

