

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29935 of 2021

Arising Out of PS. Case No.-824 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. Sharbari Khatun @ Sarwari D/O Nasaruddin Faruki @ Nasaruddin Faki R/O Village-Babura, Police Station-Bhabua, District-Kaimur (BHABUA).
2. Gudiya Begum W/O Saddam Faruki R/O Village-Babura, Police Station-Bhabua, District-Kaimur (BHABUA).
3. Israr Farukhi S/O Nasaruddin Faruki @ Nasaruddin Faki R/O Village-Babura, P.S.-BHABUA, District-Kaimur (BHABUA).
4. Afsari Khatun @ Apasari Khatun W/O Firoj Farukki R/O Village-Nuaon, P.S.-NUAON, District-Kaimur (BHABUA).

... .. Petitioner/s

Versus

THE SATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Bhabua P.S. Case no. 824 of 2020 instituted for the offence
under Sections 341, 323, 342, 332, 353, 379 and 389 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition



and Excise (Amendment) Act.

Prosecution case relates to recovery of 3.240 litres of IMFL from possession of co-accused Saddam Faruki, who was apprehended on spot. Family members including the petitioners started to assault the police party by means of lathi, danda to get free the apprehended accused person.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. There is no specific allegation against the petitioner. General and omnibus allegation has been levelled against the petitioners. Petitioners have no concern with the alleged recovery. They have got no criminal antecedent. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bhabua P.S. Case no. 824 of



2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge (Excise), Kaimur at Bhabua subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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