

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29557 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

Rinki Kumari @ Rinki Kushwaha @ Rinki Kumari Devi Wife Of Raj Kumar Singh R/O Village- Ahivas, P.O.- Upari, P.S.- Ramgarh, District- Kaimur At Bhabu.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate.

For the Opposite Party/s : Mr. Satyandra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shyam Bihari Singh, learned counsel for the petitioner as well as Mr. Satyandra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ramgarh P. S. Case No. 297 of 2021 registered for the offences punishable under Sections 188, 171



(F), 171 (E) read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a white coloured Maruti Suzuki Swift car and also apprehended two persons, who were sitting and driving the car. It is further alleged that on search being made 26 pamphlets in the name of the petitioner was found and further altogether 108 litres country-made wine, one mobile phone and cash of Rs. 50,000/- have been recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from her person or possession. So far the pamphlets, which was allegedly said to have been recovered from the car is concerned that might have been kept for the purposes of the election of Zila Parishad as the petitioner was one of the candidate of Zila Parishad from Ramgarh block. It is further submitted that the petitioner has no concern with the car and she being lady is in custody since 27.04.2022, though there is no material, which suggests the complicity of this petitioner and fuhrer, keeping the petitioner behind the bar would not serve any purpose and moreover, the investigation of the crime is already concluded



and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a lady and neither she was apprehended at the spot nor any incriminating material has been recovered from person or posses of this petitioner in as much as the vehicle does not belongs to this petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Bihar Prohibition and Excise Sessions Judge-II-cum-Special Judge Excise, Kaimur at Bhabua in connection with Ramgarh P. S. Case No. 297 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, her bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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