

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2217 of 2023**

Arising Out of PS. Case No.-448 Year-2022 Thana- NARPATGANJ District- Araria

1. MAMTA DEVI WIFE OF SANJAY YADAV R/O VILLAGE- BELA, WARD NO. 8, P.S.- NARPATGANJ (BASMATIYA), DISTRICT- ARARIA
2. RINKI DEVI WIFE OF FAREBI YADAV R/O VILLAGE- BELA, WARD NO. 8, P.S.- NARPATGANJ (BASMATIYA), DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      10-02-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

Let the defect(s), if any, as pointed out by the  
office, be removed within four weeks.

The petitioners are apprehending arrest in  
connection with Narpatganj (Basmatia) P.S. Case No. 448 of  
2022 under section 341, 323, 355, 504, 506/34 of the Indian  
Penal Code and 30(a)/38/41 of Bihar Prohibition and Excise  
Act.

As per the prosecution story, when the police saw a  
motorcycle, tried to apprehend the same, it is alleged that two  
accused-petitioners assaulted the police and further upon search



of the motorcycle total 8.300 liters and 144 Spasmo Proxyvon plus Capsule were recovered/seized. Thereafter, he seized the above syrup, capsule and the motorcycle and accordingly seizure list prepared.

Learned counsel for the petitioners submit that it is unbelievable that the ladies disclosed the name to the police who in turn chose to allow them to go without arresting and it shows what kind of FIR has been registered and accordingly the ladies have been implicated.

This Court would find force in the submission put forward by the petitioners and further the ladies do not have criminal antecedents, is inclined to grant them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.I, Araria, in connection with Narpatganj (Basmatia) P.S. Case No. 448 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Rajiv Roy, J)**

Ravi/-

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