

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42210 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Piyari Devi @ Pyari Devi Wife of Late Puran Manjhi Resident of village -
chhoti Kabaiya, Suryanaryan Ghat, ward no. 25, P.S. - Kabaiya (Lakhisarai),
Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Lakhisarai (Kabaiya) P.S. Case No. 191 of 2023 registered for the
offence under Sections 30(a), 45 of the Bihar Prohibition and Excise
Act and under Sections 307, 332, 333, 353/34 of the Indian Penal
Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 12.03.2023.

5. The allegation against the petitioner is to assault
informant, who is police officer alongwith other co-accused persons
causing bodily injuries having intention to cause death, while raiding



the house of petitioner.

6. Learned counsel appearing on behalf of the petitioner submitted that the allegation against this petitioner is only to hold the hand of informant and with this allegation it cannot be said that the petitioner was under intention to cause death of informant. It is submitted that implication under Section 353 of Indian Penal Code appears only to aggravate the allegation. It is further pointed out that the recovery of alleged illicit liquor from the house of petitioner was not made in accordance with law as procedure under Section 100(4) of Cr.P.C. not appears to be followed in present case. It is also submitted that seizure list appears disputed being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in only one case, where she is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as petitioner is a lady, where recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.03.2023, accordingly, above named petitioner is



directed to be released on bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 191 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV-cum-Exclusive Special Judge Excise 1st, Lakhisarai/ concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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