

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47477 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- MAHARAJGANJ District- Siwan

SHIV MUNI DEVI WIFE OF ARJUN RAM RESIDENT OF VILLAGE-
BALIYA TOLE CHAIN BHAGAT, PS- MAHARAJGANJ, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection with Maharajganj P.S. Case No. 130 of 2023 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act lodged on 27.05.2023 by the informant, Avinash Kumar.

As per the prosecution story, the police upon information raided the place of occurrence when two persons succeeded in escaping throwing their bags. The local identified them as Shambhu Ram and Shiv Muni Devi (the petitioner herein). In the presence of the police, the bags were opened and 12 & 8 liters of country made liquor from the bag of Shambu Paswan and the petitioner herein respectively were



recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that admittedly, the recovery is of from an open place. The locals due to enmity has implicated her. Lastly, she do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner as also that the recovery is from an open place, is a lady and she do not have criminal antecedent, this Court is inclined to grant her privilege of bail.

Let the petitioner, in the event of her arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special, Excise Court No. 1, Siwan in connection with Maharajganj P.S. Case No. 130 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioner 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 her bail bond by the Trial court itself;

(iii) the petitioner 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 her bail bonds;

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

(Rajiv Roy, J)

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