

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64700 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Pramila Devi Wife of Surendra Choudhary, Resident of Harnaha Tola, Shah
Fasahat Ka Maidan, Police Station-Chowk, Patna City, District-Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Chowk Police Station Case No. 34 of 2020 registered for the offences punishable under Sections 341, 323, 307, 332, 333, 337, 338, 290, 353, 504, 506 and 34 of the Indian Penal Code and Sections 30(a) and 37(c) of Bihar Prohibition of Excise Act, 2018. She has got no criminal antecedent.

3. As per the prosecution story, the informant, A.S.I. of Police got a secret informant that one Golu Choudhary is consuming liquor in his house. Upon such information, the informant along with the police team reached at the said place and found Golu Choudhary drinking liquor and when they tried to arrest him, the accused persons including this petitioner

started abusing and fighting with the police team. Upon arrival of the patrolling team, Golu Choudhary and his three sisters were arrested and this petitioner ran away. On search, 750 ml liquor was recovered from the house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is a lady aged about 68 years and being mother of co-accused Golu Choudhary, she has been made accused in the present false case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that this petitioner is 68 years old and mother of co-accused Golu Choudhary and for that reason only she has been falsely implicated in this case on vague allegations, the petitioner has otherwise no criminal antecedent and it would appear from the seizure list that the police force had entered into the house of the petitioner at about 9:00 pm without there being any independent person of the locality, in the circumstances, this Court directs that in case of her arrest or surrender within a period of six weeks from today, the petitioner above named be

released on bail in connection with Chowk Police Station Case No. 34 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special judge, Excise, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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