

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70079 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Rani Devi @ Rani Kumari (Female), aged about 38 years, wife of Lalan Singh resident of Village- Shivrathpur, P.S. Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Rajesh Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bibhutipur P.S. Case No. 223 of 2023 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code, Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date and Section 25 (1-B) (a), 26 and 35 of the Arms Act.

3. As per the allegation made in the FIR, arms and 42.120 litres of Indian made foreign liquor along with pamphlets relating to election, in which name of Rani Devi (petitioner) was printed were found from the hut situated at *Bathan* of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. During course of raid, nothing was recovered from the house of the petitioner rather the recovery was made from a hut situated at *Bathan* of the petitioner, which is easily accessible to anyone and due to political rivalry, the opposition party had kept pamphlets bearing name of the petitioner along with incriminating articles including liquor so that her candidature can be cancelled. Petitioner has one criminal antecedent relating to Bibhutipur P.S. Case No. 222 of 2023. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner and the fact that nothing was recovered from the house of the petitioner rather the recovery was made from a hut situated at *Bathan* of the petitioner, which is easily accessible to anyone and due to political rivalry, the opposition party had kept pamphlets bearing name of the petitioner along with incriminating articles including liquor so that her candidature can be cancelled. Petitioner has one



criminal antecedent relating to Bibhutipur P.S. Case No. 222 of 2023. I find it proper that two responsible persons of means of the village may give their written undertaking along with the petitioner ensuring that the petitioner will not involve in any criminal activity in future.

7. In case such affidavit is filed, the District Court is directed to release the petitioner, above named, on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 500,000/- (Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned 1st Special Judge – Excise, Samastipur in connection with Bibhutipur P.S. Case No. 223 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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