

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74173 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- RIVILGANJ District- Saran

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1. SUNAINA DEVI Wife of Harendra Manjhi
  2. HEERA MUNI DEVI @ HEERA MUNNI DEVI Wife of Shioji Manjhi @  
Shivjee Manjhi
  3. REETA DEVI Wife of Shiv Kumar Manjhi

All R/v- Auli, P.S.- Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

2      03-02-2023                      Heard learned counsel for the petitioners and learned  
APP for the State through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection with Rivilganj P.S. Case No.128 of 2022 instituted under Sections 147, 148, 149, 323, 307, 333, 332, 353, 224, 225 of the IPC and Section 25(1-b)a, 26, 35, 27 of the Arms Act and Section 30(a), 45 of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon secret information that the accused persons are selling wine at the front of their house went there after informing the police officers. However, they had to face the strong crowd that had assembled



there and in the process their family members assaulted the police personnel when the police apprehended certain accused persons. In the process, certain injuries were also inflicted upon the police side. It was only after the information given to the Senior police officer and the further arrival of the additional police force that the search could be made and altogether 50 liters of countrymade liquor was/were recovered/seized beside a countrymade revolver and some live cartridges.

Learned counsel for the petitioners submit that the husband of petitioner no.2 had had won the previous Panchayat election and was elected as 'Mukhiya'. Presently, he is an elected member of the Panchayat Samitee. In the previous panchayat election 2020-21, one Rahul Raj, who was also contesting the panchayat election and resident of the said panchayat, had assaulted the husband of petitioner No. 2 for which the Rivilganj P.S Case No. 391 of 2021 was registered by co- accused, husband of petitioner No. 2 against him. He is the powerful man of the locality and as his influence, the present false case has been lodged with absolutely false and frivolous allegations. The doctor also colluded and prepared the injury report of the alleged injured police personnel which gets reflected from perusal of the injury reports of the alleged victim



police personnel of the present case.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioners are ladies, they do not have criminal antecedent, the main allegation is against other accused persons of selling the liquor as also prohibiting the police in doing their duty, they will be ultimately facing the Trial, this Court is inclined to grant him privilege of bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Rivilganj P.S. Case No.128 of 2022 to the satisfaction of learned 2<sup>nd</sup> Exclusive Special Excise Court, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make themselves available to



the police as and when required in course of investigation;

(iii) 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;

(iv) the petitioners 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)**

Prakash Narayan /-

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