

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2200 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- HARLAKHI District- Madhubani

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KHUSHBU KUMARI D/O RAM SUKHIT SHARMA R/v- Paighambarpur,
P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in connection with Harlakhi P.S. Case No. 142 of 2022 under sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police intercepted a motorcycle and the allegation is of recovery/seizure of 24 liters of Nepali wine from its dickey and 15 liters from the bag.

Accordingly, the FIR.

Learned counsel for the petitioner submits that a bare perusal of the FIR, it shows that the apprehend person narrated that this is stolen motorcycle, she being the owner despite the said averment made by the accused, she has been dragged in the



case.

Considering the aforesaid fact that the petitioner is a lady, do not not have criminal antecedent and the accused person himself accepted that the motorcycle has been stolen as also she will be facing the trial, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail, in the event of her arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-II cum Special Judge Excise Act, Madhubani, in connection with Harlakhi P.S. Case No. 142 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 the 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 her bail bonds.

(Rajiv Roy, J)

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