

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19157 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- LAKHNAUR District- Madhubani

1. Moti Kumari, aged about 22 years, Gender-Female, D/o Late Arun Singh, R/o Vill - Daiyakharwar, Daiakharwar, Gangapur, P.S. - Lakhnaur, Dist. - Madhubani.
2. Mala Kumari, aged about 21 years, Gender-Female, D/o Late Arun Singh, R/o Vill - Daiyakharwar, Daiakharwar, Gangapur, P.S. - Lakhnaur, Dist. - Madhubani.
3. Indu Singh @ Indu, aged about 52 years, Gender-Female, W/o Late Arun Singh, R/o Vill - Daiyakharwar, Daiakharwar, Gangapur, P.S. - Lakhnaur, Dist. - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sumit Kumar Jha, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lakhnaur P.S. Case No. 271 of 2023 dated 19.12.2023, corresponding to G.R. No. 911 of 2023 registered for the offences punishable under Sections 272, 273, 147, 148, 149, 189, 224, 225, 323, 324, 332, 333, 353, 427, 504, 506 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise



(Amendment) Act, 2022.

3. As per the prosecution case, total 108 litres of illicit Nepali liquor was recovered under the straw and two persons were apprehended. Thereafter, the petitioners and the co-accused persons, 30-35 in numbers came there and caused hindrance in the discharge of the official duty of the police personnel and got the apprehended accused persons, namely, Ram Singh and Kanhaiya Kumar released from the custody of police. It is further alleged that all the accused persons also assaulted the police personnel with lathi, danda, khanti, Tengari, Iron rod and fists causing injuries to them.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. The said recovery was made from an open place that is accessible to anyone. The petitioners have no concern with the alleged recovery. The alleged recovery has been made from the land of the co-accused Ram Singh and not from the possession of the petitioners. The petitioners have no criminal antecedents as stated in paragraph no. 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioners. Learned counsel has relied on the



judgment of Full Bench of Hon'ble Patna High Court in the case of ***Ram Vinay Yadav Vs. State of Bihar 2019 (2)PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the F.I.R., no offence under the said provision is made out. It is further submitted that other co-accused have been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 15931 of 2024 under order dated 12.03.2024. The petitioners are ladies.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 271 of 2023, corresponding to G.R. No. 911 of 2023, subject to the condition as laid down under Section 438(2) of



the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

