

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25342 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- BASOPATTI District- Madhubani

1. Monika Devi Wife of Shiligram Paswan Resident of Village- Behta, P.S.- Benipatti, Dist.- Madhubani
2. Shaligram Paswan Son of Rameshwar Paswan Resident of Village- Behta, P.S.- Benipatti, Dist.- Madhubani
3. Shivtaran Devi Daughter of Late Saukhi Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
4. Anariya Devi Wife of Kunwar Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
5. Bhulli Devi Wife of Rameshwar Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
6. Bindeshwar Paswan Son of Late Soukhi Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
7. Chote paswan Son of Bibndeshwar Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
8. Bhulli Devi @ Babita Devi Wife of Lal Babu Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani
9. Uday Paswan Son of Sangram Paswan Resident of Village- Kauaha, P.S.- Benipatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners have preferred their application for



grant of anticipatory bail in connection with Basopatti P.S. Case No. 263 of 2023, corresponding to G.R. No. 1706/2023 dated 23.11.2023 for the offences punishable under Sections 147/ 149/ 323/ 341/ 353/ 332/ 333/504/506 of the Indian Penal Code and u/s 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant along with his team went to the house of the co-accused Rameshwar Paswan to search liquor. During course of search, family members of the co-accused and nearby people gathered and caused hindrance in discharging their official duties by assaulting and abusing them. The informant made a video footage of the assault, in which the petitioners and others unknown miscreants were identified.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 7 has one criminal antecedent whereas the rest petitioners have no criminal antecedent as stated in para 3 of the bail petition. Local Chowkidar has disclosed the name of the petitioners due to previous enmity. There is no specific allegation against the petitioners rather the allegation is general and omnibus in nature. Nothing has been recovered from the conscious possession of the petitioners,



hence 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 reported in 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 FIR, no offence under the said provision is made out.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation is general and omnibus against the petitioners, 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/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Basopatti P.S. Case No. 263 of 2023, corresponding to G.R. No. 1706/2023, subject to conditions as laid down under Section 438(2) of the



Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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