

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32468 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- DHANGAI District- Bhojpur

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Anuradha Rai, W/o Rajan Gautam, R/o D-59/235 - 5A, Nirala Nagar,
Shivpura, Chhitupur, P.S. - Sigra, Distt. - Varanasi, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

Mr. Alok Anand, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2024 1. Learned counsel for the petitioner seeks permission to make necessary rectification in the description of the petitioner in the cause title in course of the day.
2. It is submitted on behalf of the petitioner that petitioner is the wife of Rajan Gautam but inadvertently she has been described as wife of Vinod Kumar Rai who is her father-in-law.
3. Permission is accorded.
4. Heard learned counsel for the petitioner and learned A.P.P. for the State.
5. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 as well as Sections 25(1-b)(i), 26 and 35 of the Arms Act.



6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman.

7. Allegation is of recovery of 1.995 litres of liquor from Toyota Innova along with one pistol and six live cartridges from possession of Rajan Gautam.

8. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and she came to be implicated based on the fact that she is owner of the seized vehicle. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that Rajan Gautam is the husband of the petitioner and was carrying licensed weapon and cartridges. It is also submitted that petitioner was completely unaware that her husband would misuse the vehicle in the manner as alleged who was also apprehended along with Sonu Singh and Dhananjay Rai.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhangai P.S. Case No. 118 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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