

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34640 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- KHIRHAR District- Madhubani

Soni Kumari D/o Jogi Mukhiya Resident of Village Depura, P.S. Benipatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Khirhar P.S. Case No. 105 of 2023 corresponding to G.R. No. 1759 of 2023 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

3. As per prosecution case, the police has recovered altogether 126.00 liters illegal Nepali country-made liquor from two motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has



been recovered from the conscious possession of the petitioner. The petitioner is the owner of the seized Motorcycle bearing Regd. No. BR32AQ-4127 and had given the vehicle for some urgent work to the co-accused, who misused the same. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Pramod Mukhiya has been granted regular bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 11198 of 2024.

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

7. 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.10,000/- (Rupees Ten Thousand) 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 Khirhar P.S. Case No. 105 of 2023 corresponding to G.R. No. 1759 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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