

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47736 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- KHIRHAR District- Madhubani

Neero Devi W/O Arun Yadav R/O Village- Sinuwara Arer, P.S- Harlakhi,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with G.R. No. 24 of 2024 arising out of Khirhar P.S. Case No.
02 of 2024 registered for the offences punishable under Sections
272, 273, 414/34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered
total 45 liter illicit liquor from the Scooty bearing Regd. No.
JF91EW1100920.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against her 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 has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner is the owner of the Scooter, in question, but 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.

5. Learned counsel for the petitioner further submits that the co-accused Ram Kishore Mukhiya has been granted regular bail by this Court vide order dated 01.04.2024 passed in Cr. Misc. No. 24320 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let 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 G.R. No. 24 of 2024 arising out of Khirhar P.S. Case No. 02 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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