

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51751 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- ASHTHAWAN District- Nalanda

Jayrani Devi @ Jay Rani Devi, Wife of Harihar Paswan, resident of Village-
Malti, P.S- Asthawa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Asthawa P.S. Case No. 57 of 2024 for the offences under Sections 147, 149, 341, 342, 332, 337, 338, 224, 225, 353 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about the co-accused selling illicit liquor from his hatchery. A raid was conducted and co-accused persons, namely Balmukund Paswan and Hemant Kumar have been arrested. Recovery of 4 liters country made *Chulai* liquor was made from the spot. While the process was being completed for search and seizure and arrest, the petitioner and other 7 named co-accused



persons apart from 10-20 unknown miscreants assembled there and assaulted the police party with bricks, stone, *lathi*, *danda* causing injuries to them and also snatched two apprehended co-accused persons from the police party.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner for assault and storage of illicit liquor. The petitioner has been made accused in this case as the husband of the petitioner used to oppose the illegal acts of the informant as well as local *Chaukidar*. From the facts of the case, it is apparent that no offence under the Excise Act is made out against the petitioner. The petitioner is a lady and is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is a lady and further considering the nature of allegation and clean antecedent of the petitioner, let the petitioner above named in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds



of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Exclusive Special Judge (Excise), Biharsharif, Nalanda/court concerned, in connection with Asthawa P.S. Case No. 57 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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