

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55946 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- RAHIKA District- Madhubani

1. Sita Devi Wife Of Shivji Chaupal R/V- Village- Dumri, P.S.- Rahika, Distt.- Madhubani
2. Anita Devi Wife Of Sunil Chaupal R/V- Village- Dumri, P.S.- Rahika, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Rahika P.S. Case No. 111 of 2024 for the offence registered under sections 272, 273, 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 24.05.2024 by the informant Ravindra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the police reached the house of the two petitioners and found 3 litres countrymade liquor from the house of the petitioner no. 1, 3.6 litres countrymade liquor from the house of the petitioner no. 2 and 4.5 litres from the house of



one Nirmala Devi. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that none of them have criminal antecedent and further the recovery/seizure is from the house which is a joint one, only to implicate, names have come.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that recovery is from the house.

6. Considering the aforesaid submissions as also that the recovery is from a joint house not from their conscious possession, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Rahika P.S. Case No. 111 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official



document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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