

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4514 of 2025

Arising Out of PS. Case No.-263 Year-2023 Thana- BASOPATTI District- Madhubani

1. Khushbu Kumari @ Khusbu Paswan D/O Rameshwar Paswan R/O Village- Kauaha, P.S- Benipatti, Distt.- Madhubani.
2. Malti Devi W/O Jibach Paswan R/O Village- Kauaha, P.S- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners have preferred their application for grant of anticipatory bail in connection with Basopatti P.S. Case No. 263 of 2023, corresponding to G.R. No. 1706/2023 dated 23.11.2023 for the offences punishable under Sections 147/ 149/ 323/ 341/ 353/ 332/ 333/504/506 of the Indian Penal Code and u/s 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant along with his team went to the house of the co-accused, Rameshwar Paswan to search liquor. During course of search, family members of the co-accused and nearby people gathered and



caused hindrance in discharging their official duties by assaulting and abusing them. The informant made a video footage of the assault, in which the petitioners and others unknown miscreants were identified.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Local Chowkidar has disclosed the name of the petitioners due to previous enmity. There is no specific allegation against the petitioners rather the allegation is general and omnibus in nature. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioners. The co-accused persons have already been granted anticipatory bail by this court vide order dated 15.04.2024 passed in Cr. Misc. No. 25342/2024. Learned counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of ***Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section



76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation is general and omnibus against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Basopatti P.S. Case No. 263 of 2023, corresponding to G.R. No. 1706/2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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