

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47467 of 2025

Arising Out of PS. Case No.-53 Year-2023 Thana- BAHADURPUR District- Patna

Vaso Kumari D/o Nagarchi Manjhi @ Chandeshwar Manjhi @ Bam Manjhi
@ Chaneshar Manjhi R/o- Bahadurpur Mushari, Bahadurpur Gumati, Road
No. 13, P.S.- Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Ms. Nityanand Kumar, learned counsel for the

petitioner and Md. Fahimuddin, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Bahadurpur P.S. Case No. 53 of 2023, F.I.R
dated 10.02.2023 registered for the offences punishable under
Section 341/ 323/ 353/ 504/ 427/ 337/ 338 of IPC and 30(a)/
32(2)(3)/ 36/ 41(i)(ii) of Bihar Prohibition and Excise Act.

3. Recovery is of 20 liters of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case and nothing has been recovered
from the conscious physical possession of the petitioner. As per



allegation as alleged in the FIR, the police has arrested the co-accused Kundan Kumar and recovered 20 liters of illicit liquor from his house and petitioner along with other co-accused persons including wife of the Kundan Kumar, have attacked on the police force. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that from a bare perusal of the FIR, it appears that there is no specific allegation against the petitioner in the FIR and co-accused persons namely Mangru @ Sonali Kinnar @ Sonakshi Kinnar and Asho Kumari have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 23.05.2023 passed in Cr. Misc. No. 31506 of 2023, co-accused persons, namely, Reeta Devi and Kabir Kumar have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 10.04.2024 passed in Cr. Misc. No. 20416 of 2024 and co-accused, namely, Jitan Devi has also been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 17.05.2024 passed in Cr. Misc. No. 35045 of 2024. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made



out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. He further submits that the allegation against the petitioner is that he along with other co-accused persons have assaulted the police party.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, there is no specific allegation against the petitioner in the FIR, nothing has been recovered from the conscious physical possession of the petitioner and apart from that similarly situated co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court, let the petitioner, above



named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City, District-Patna in connection with Bahadurpur P.S. Case No. 53 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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