

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21203 of 2015

Arising Out of PS.Case No. -223 Year- 2014 Thana -BARAHARA District- PURNIA

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1. Shailiya Devi W/o Kailash Mandal
 2. Manor Devi W/o Rameshwar Mandal @ Kutai Mandal
 3. Kumiya Devi W/o Kari Mandal @ Manoj Mandal
 4. Reena Kumari D/o Rameshwar Mandal @ Kutai Mandal
 5. Munni Kumari D/o Kailash Mandal
 6. Kari Mandal @ Manoj Mandal S/o Late Diwali Mandal
 7. Kailash Mandal S/o Late Diwali Mandal
 8. Babala Mandal @ Bablu Mandal @ Babla Kumar @ Bablu Kumar S/o Jugat Mandal
 9. Biru Kumar S/o Kari Mandal @ Manoj Mandal
 10. Saroj Mandal S/o Kari Mandal @ Manoj Mandal
 11. Rubi Devi D/o Kari Mandal @ Manoj Mandal
- Petitioner Nos. 1 to 7 and 9 to 11 are Resident of Village Bithaili, P.S. Barahara, District Purnea and Petitioner No. 8 is Resident of Village Dibara, P.S. Barahara, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy
For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-07-2015 Heard learned counsel for the petitioners and learned counsel for the State.

In this application, the petitioners apprehend their arrest for the offences punishable under Sections 147, 148, 149, 180, 189, 216, 224, 225, 341, 323, 332, 333 and 353 of the IPC.

Allegedly, the informant and other police personnel arrested F.I.R. named accused of Barahara P.S. Case No. 120 of

2014 namely Biru Kumar and Saroj Kumar. They started making cry of thief and then the petitioners and other 15-20 unknown persons started assaulting the police personnel by lathi and danda and further they tried to snatch the arms and got Biru Kumar and Saroj Mandal freed.

Submission is of false implication and the petitioner Nos. 1 to 5 and 11 are ladies and against them there is no specific allegation and further submitted that other co-accused persons are also having not any specific allegation and as such they deserve sympathetic considerations as the prosecution story appears not believable. No injury has been caused to any of the police personnel.

The learned A.P.P. opposes the pre-arrest bail.

In the facts and circumstances stated above, considering that petitioner nos. 1 to 5 and 11 are ladies and against them, no specific allegation has been attributed and as such considering their gender they in case of their surrender or arrest within one month from the date of receipt or production of the order they shall be released on bail on execution of bail bond of Rs 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri. P. Kumar, Judicial Magistrate, 1st Class, Purnea in connection with Barahara P.S. Case No. 223 of

2014 subject to the conditions as laid down in Section 438(2) of the Cr.P.C..

So far petitioner Nos. 6 to 10 are concerned, considering the allegation that they attacked on the police party and got freed two accused persons from the clutches of the police party and as such this court is not inclined to grant privilege of pre-arrest bail to them and accordingly, their prayer of pre-arrest bail is rejected.

However, in case and if so advised these petitioners surrender and seek regular bail then their prayer for regular bail shall be considered, as other co-accused namely Rameshwar Mandal @ Kutai Mandal and Niraj Mandal @ Niraj Kumar Mandal have already been allowed regular bail by another Bench of this Court in Cri. Misc. No. 16142 of 2015 vide order dated 22.06.2015.

(Jitendra Mohan Sharma, J)

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