

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2564 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- NARHATT District- Nawada

Mintu Devi, W/o Vinay Singh, R/o Village- Kanwan P.S.- Narhat District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Adv.

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-07-2021 Heard Mr. Bipin Kumar, the learned Advocate for the appellant and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 01.03.2021 passed by the learned Special Judge (SC/ST)-cum-Additional District and Sessions Judge-I, Nawada in connection with Narhat P. S. Case No. 10 of 2021, instituted for the offences under Sections 341, 323, 324, 307, 353,



379, 427, 504/ 34 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that when the police party had gone to arrest the son of the appellant, the members of the house assaulted the police party and managed to have the fugitive (son of the appellant) run away.

The learned Advocate for the appellant has submitted that when the police party had come to the house of the appellant in the night, an objection was raised for there not being any female constable in the raiding team. This actually enraged the police part and they have chosen to file a false case.

This matter was heard on 20.07.2021, when a submission was made that the son of the appellant has already surrendered to the process of law and is in custody. Taking this fact into account, an order was passed but before it could be typed-out, it was fairly pointed out by the learned



counsel for the appellant that there has been some factual miscommunication to him by his client. The son of the appellant actually has not yet surrendered to the process of law.

As such, this matter was placed today under the heading "To Be Mentioned".

Even though there is no specific accusation against the appellant of having assaulted any member of the police party and a defense of processual solecism of the police party of not bringing any female constable to the house of the appellant, has been taken but the fact remains that the fugitive (the son of the appellant) was facilitated in running away from the drag-net of the police.

Regard being had to the aforesaid accusation, the prayer for interfering with the order refusing to grant anticipatory bail to the appellant is refused.

However, if the appellant surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present appeal on her behalf has not been



entertained by this Court.

The appeal stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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