

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3673 of 2021**

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

MINTU DEVI Wife of Vinay Singh Resident of Village- Kanwan, P.S.-
Narhat, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 24-11-2021 Heard the learned counsel for the appellant and
the learned Special P.P. 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

Earlier the prayer for anticipatory bail of the



appellant was rejected vide order dated 23.07.2021 passed in Cr. Appeal (SJ) No. 2564 of 2021.

However, from a perusal of the order, it appears that initially the Court was inclined to grant anticipatory bail to the appellant as nothing specific was alleged against her but on finding that the son of the petitioner who was facilitated in running away from the police drag-net, the prayer for anticipatory bail was ultimately rejected.

The Court while rejecting the prayer for anticipatory bail of the petitioner had observed "*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.*"

Mr. Bipin Kumar, the learned Advocate submits that the son of the appellant has surrendered to the process of law on 14.09.2021 and that all other accused persons of



this case have been granted anticipatory bail except one who has been granted regular bail.

Considering this aspect of the matter, 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, is set aside.

The appellant, above named, is directed to be released on bail in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of 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.

(Ashutosh Kumar, J)

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