

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51168 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. KUSUM DEVI @ KUSAMI DEVI W/O SHANKAR DAS R/O VILLAGE- DIH SARAI RANJAN, PS.- SARAI RANJAN, DIST. SAMASTIPUR
2. SUNITA DEVI W/O MANJUY DAS @ MANJAY SADA R/O VILLAGE- DIH SARAI RANJAN, PS.- SARAI RANJAN, DIST. SAMASTIPUR
3. TILKESHWAR SADA S/O RAM KISHUN SADA R/O VILLAGE- DIH SARAI RANJAN, PS.- SARAI RANJAN, DIST. SAMASTIPUR
4. RAJAN SADA S/O TILKESHWAR SADA R/O VILLAGE- DIH SARAI RANJAN, PS.- SARAI RANJAN, DIST. SAMASTIPUR
5. MANJAY SADA S/O SHANKAR SADA R/O VILLAGE- DIH SARAI RANJAN, PS.- SARAI RANJAN, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr.Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 145, 186, 147, 149, 341, 342, 323, 332, 333, 307, 379, 427, 224, 225, 504 of the Indian Penal Code and Section 45 of Bihar Prohibition and Excise Act.

3. Allegedly, on the basis of secret information, the informant along with other police personnel reached at Musahar Toli Ward No. 3 at the resident of Manoj Sada NH 322 where



they apprehended a person and started enquiry. On enquiry, he disclosed his name as Manoj Sada. When the police apprehended him and directed him to sit in police jeep for medical test, he started crying loudly. In the meantime, 50-60 men and women surrounded the police jeep and started assaulting the police party.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner nos. 1 & 2 are females. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They were not arrested on the spot. No incriminating article has been recovered from their possession. Their name have been transpired in the present case merely on suspicion. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 & 2 are ladies and there is no specific overt act against them, let the above named petitioners nos. 1 & 2, be released on bail, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sarairanjan P.S. Case No. 184 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is allegation against petitioner nos. 3, 4 & 5 to obstruct the officials in discharging their duties, I am not inclined to enlarge the petitioner nos. 3, 4 & 5 on bail. The prayer for bail of the petitioners nos. 3, 4 & 5 is hereby rejected.

8. However, if petitioner nos. 3, 4 & 5 surrender before the learned Court below within six weeks from today and seek regular bail, he learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is no specific overt act against them and they are only members of the mob.

9. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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