

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4502 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. NITU DEVI @ NUTAN DEVI Wife of Sri Pradip Kumar
2. Shashikala Devi wif of Late Sita Ram Mandal
3. Jalo Devi wife of Sri Puran Mandal
4. Asha Devi wife of Sri Kare Lal Mandal
5. Tila Devi Wife of Sri Jagar Nath Mandal
6. Nirmala Devi wife of Sri Bechan Thakur
7. Manju Devi wife of Sri Bucho Mandal
8. Shila Devi wife of Sri Pramod Mandal
9. Bhikhni Devi wife of Sri Jagdish Yadav
10. Nagina Devi wife of Sri Mehi Das
11. Kishori Devi wife of Sri Muso Mandal
12. Singasan Devi wife of Sri Umesh Mandal
13. Siromani Devi wife of Sri Anup Lal Mandal
14. Sita Devi wief of Sri Shyam Mandal
15. Mala Devi wife of Sri Kare Lal Mandal
16. Pallavi Arya @ Pallavi Kumari D/o- Sri Manoj Kumar Singh Under the Guardianship of Manoj Kumar Singh who is the Father of Appellant no-16, Village- Mandir Tola Dimaha Dimha Ps- Gopalpur Dist- Bhagalpur
17. Dilkhush Kumar son of Sri Sanjay Mandal Under the Guardianship of Sanjay Kumar @ Sanjay Mandal who is the Father of Appellant no-17, Village- Mandir Tola Dimaha Dimha Ps- Gopalpur Dist- Bhagalpur
18. Bablu Kumar son of Late Sita Ram Mandal
All resident of Village- Mandir Tola Dimaha Dimha Ps- Gopalpur Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Ram son of Jagarnath Ram Village- Bigha Ps- Manjhi Dist- SARan at Chapra P/A- Posted as Sub Inspector of Police in Gopalpur Ps- Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Navjot Yesu, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-03-2024
1. The learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to Dilkhush Kumar and Bablu Kumar.
 2. Permission is accorded.
 3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against appellant no.17 and 18.
 4. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.
 5. The appellants have challenged the order dated 02.06.2023 passed by the learned Additional Sessions Judge, 3rd-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Gopalpur P.S. Case No.166 of 2023, instituted for the offences under Sections 109, 147, 149, 341, 342, 323, 332, 333, 352, 337, 338, 307, 354B, 427, 224 and 225 of the Indian Penal Code, ³/₄ Public Property Nivaran Act and Section 3(1)(r) (s)/3(2)/(va) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.
 6. It is next submitted that appellants are women and a person with clean antecedent.
 7. The learned counsel for the appellants submit that appellants have been falsely implicated in the present case at the



instance of the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that he along with other police persons had gone to the house of appellant no.1 for arresting her husband, but her husband was not at home and only ladies were present, as such the appellants objected on the ground that not a single women constable is present with the force, on which the informant alleges that the accused persons started assaulting the informant and other police force and the two male members specifically called the appellants by their caste.

8. It is next submitted that appellants being women have been falsely implicated in order to coerce the entire family members into submission with general and omnibus allegations so that the husband of appellant no.1 surrenders who is an accused in Gopalpur P.S. Case No.163 of 2023.

9. The learned Special P.P. opposes the anticipatory bail application.

10. Regard being had to the aforesaid submissions, the order dated 02.06.2023 is set aside.

11. The appeal stands allowed.

12. The appellants above named, in the event of their arrest or surrender before the learned court below within a



period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 3rd-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Gopalpur P.S. Case No.166 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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