

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65207 of 2024

Arising Out of PS. Case No.-214 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. Nilam Devi @ Neelam Devi W/o- Mangal Das Village- Muhammadpur Sakra, P.S.- Bibhutipur, District- Samastipur
2. Shobha Devi wife of Manoj Das Village- Muhammadpur Sakra, P.S.- Bibhutipur, District- Samastipur
3. Santosh Kumar Son of Manoj Das Village- Muhammadpur Sakra, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Adv.
For the State	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 16-07-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 341, 379, 448, 504 & 506 of the Indian Penal Code.

3. The allegation in the FIR is that all the accused persons including the present petitioners assaulted the informant and his family members with *lathi* and iron rod due to which the mother and brother of the informant received head injuries and died. There is further allegation on petitioner no.2 that she snatched



gold earring and petitioner no.1 that she snatched a mobile.

4. At the outset, it is to be noted that the anticipatory bail application of Nilam Devi @ Neelam Devi (petitioner no.1) had earlier been dismissed as withdrawn on 19.04.204 and hence, there is no special reason to even consider her application for anticipatory bail.

5. Learned counsel for the petitioners, however, submits that on account of a dispute between *gotiyas*, the present occurrence had taken place and there is a general and omnibus allegation on all the accused persons of assault due to which death of two persons have been caused. It appears from the postmortem report of the deceased persons that there are two external injuries on deceased Dharmendra Das and two injuries on deceased Sumitra Devi and it is stated that all have been produced by the impact of heavy and hard object. It is next submitted that as against allegation of assault by so many persons, it appears that two injuries each have been received by the deceased persons and so far as petitioner no.2 is concerned, she is a lady who did not participate in the said occurrence and an ornamental allegation has been made against her.

6. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that two deaths have



occurred and there is an allegation on all the accused persons of assault.

7. Considering the nature of the offence and also that earlier the anticipatory bail application of petitioner no.1 has been dismissed as withdrawn, I am not inclined to enlarge the petitioner nos. 1 & 3 on anticipatory bail. The prayer for anticipatory bail of petitioner nos. 1 & 3 is hereby rejected. However, if they surrender before the learned Court below within three weeks from today and seek regular bail, the learned Court below may take into consideration that other accused persons have already been granted regular bail.

8. However, considering that petitioner no.2 is a lady whose case can be treated as a special case with an ornamental allegation imputed upon her in the subsequent part of the FIR, I am inclined to grant the privilege of anticipatory bail to the petitioner no.2 having clean antecedent. Let the petitioner no.2, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) 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 Bibhutipur P.S. Case No. 214 of 2020, subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C/ 482 (2) of the BNSS, 2023.

9. Accordingly, the application stands partly allowed.

(Soni Shrivastava, J)

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