

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4642 of 2024

Arising Out of PS. Case No.-719 Year-2023 Thana- DHANARUA District- Patna

Rita Devi Wife of Ajay Prasad R/O Vill.- Makhdumpur, P.S.- Dhanarua in the
Dist. of Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Neelkamal Paswan, A.S.I. Presently Posted in Dhanarua P.S.- Police Station-
Dhanarua, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2025 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State, Ms. Usha
Kumari No.1 who is representing the respondent no.2.

2. The appellant has challenged the order dated
16.01.2024 passed by the learned Exclusive Special Judge,
SC/ST Act in connection with Dhanarua P.S. Case No.719 of
2023 instituted for the offences under Sections 147, 148, 149,
337, 338, 307, 353, 504, 120(B) of the IPC and Section 27 of
the Arms Act and section 3(1)(r)(s)/3(2)(va) of the SC & ST
POA Act, whereby her prayer for grant of anticipatory bail has
been rejected.

3. The learned counsel for the appellant submits that
the appellant earlier along with nine other had approached this



Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.827 of 2024 and the same came to be rejected by an order dated 03.04.2024. The learned counsel for the appellant submits that after Cr. Appeal (SJ) No.827 of 2024 was rejected by an order dated 03.04.2024 thereafter, Sanjeev Kumar along with Rajeev Kumar moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.2489 of 2024 and the same came to be allowed by an order dated 21.06.2024.

4. It is next submitted that appellant is a women and the allegation of brick-batting is general and omnibus in nature. Further appellant is a resident of the same locality where the occurrence is alleged to have taken place. It is next submitted that while granting anticipatory bail to Sanjeev Kumar and Rajeev Kumar this Court had considered the case on merit and in detail. It is next submitted that since Sanjeev Kumar along with Rajeev Kumar were granted the privilege of anticipatory bail as such the petitioner has again moved this Court by filing the instant criminal appeal seeking anticipatory bail. It is further submitted that there is a delay of 163 days for which I.A. No.01 of 2024 has been filed seeking condonation of delay in filing the appeal. The I.A. No.01 of 2024 is allowed.

5. The learned Special P.P. opposes the bail



application.

6. Regard being had to the aforesaid submissions, the order dated 16.01.2024 is set aside.

7. The appeal stands allowed.

8. The appellant above named, in the event of her arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on her furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Dhanarua P.S. Case No.719 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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