

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50618 of 2015

Arising Out of PS.Case No. -132 Year- 2013 Thana -AURAI District- MUZAFFARPUR

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1. Lalita Devi wife of Bechan Sahani resident of Village - Bishtha, P.S. -
Auria, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Dr.Rabindra Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Aurai P.S.
Case No. 132 of 2013 registered for the offences punishable under
Sections 364 and 366A/34 of the Indian Penal Code.

Allegedly, Khushboo Kumari aged 13 years the
daughter of the informant was called by Rubi Kumari and
thereafter, Khushboo went with her and there Dharmendra Kumar,
Lalita Devi (petitioner) and 5 others were present and it is alleged
that the daughter of the informant was kidnapped with intention to
commit rape with her or to kill her. It is also stated that earlier
application was filed on 07.02.2013 for which Aurai P.S. Case No.
12 of 2013 was registered.

Submission is of false implication and that Khusboo



Kumari is a married girl, she is not minor, she is married with Bikash Sahani which is evident from Aadhar Card issued by the Govt. of India and also from the certificate granted by the Mukhiya, the date of birth of Khushboo Kumari is 01.01.1995 and as such she is major. The informant is in habit of filing such false cases, the informant was the candidate in the Mukhiya election but she did not get support of villagers and as such due to grudge she has filed this case and also Aurai P.S. Case No. 12 of 2013. The petitioner is a lady and is suffering in custody since 24.08.2015 and against her only allegation is for abetting the offence.

Learned APP opposes the prayer of bail by submitting that the victim girl has been found aged about 15-17 years by the medical board and she has made allegation of rape against co-accused Dharmendra Kumar in her statement recorded under Section 164 Cr.P.C.

In the facts and circumstances stated above, considering that the petitioner is alleged to be an abettor and as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Javed Alam, J. M. Ist Class, Muzaffarpur in connection with Aurai P.S. Case No. 132 of 2013, subject to the conditions that one of the

bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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