

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47090 of 2015

Arising Out of PS.Case No. -206 Year- 2015 Thana -BARACHATTI District- GAYA

Dulari Devi, Wife of Late Manu Chaudhary, Resident of Village - Dahiyar,
P.S. - Barachatty, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.PP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 28-01-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Barachatty P.S. Case No. 206 of 2015 registered under Sections 376(D) and 120(B) of the Indian Penal Code, Section 3(2)(V) of the Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Act and Section 6 of the POSCO Act.

The accusation is that informant, Sujata Kuamri, aged about 14 years, was sleeping alone on the roof and her parents had gone to attend the marriage ceremony in relation in the night of 21/22 05.2015, the petitioner reached there and took the informant to her house, where informant was raped by Ramashish Yadav and Samrasur Mahto forcibly.

Learned counsel for the petitioner submits that petitioner is the neighbor of the informant, Sujata Kumari and there is land dispute between the petitioner and Bifan Manjhi, grandfather of the informant/victim and due to that reason petitioner has falsely been implicated in this case. It is further submitted that the age of the victim has been assessed as 18 years in the medical examination as detailed in paragraph 34 of the case diary. As such, it is not possible for the petitioner to carry the informant in her lap from one roof to another roof as alleged by the informant in F.I.R.

Considering the facts and circumstances of the case and the petitioner being a lady, let the above named petitioner be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sherghatty (Gaya) in connection with Barachatty P.S. Case No. 206 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

U		T	
---	--	---	--