

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39517 of 2016

Arising Out of PS.Case No. -125 Year- 2014 Thana -MAHILA P.S District- SUPAUL

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Shyama Devi. Wife of Ram Chandra Sharma, resident of village -Fulkaha,
Police Station- Jadia, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.

For the State : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No.125 of 2014 registered under Sections 366A, 376
and 34 of the Indian Penal Code.

It is contended that the petitioner, being a lady, has
been a victim of malicious prosecution. The case is based on a
complaint which was referred to the Police under Section 156(3)
of the Code of Criminal Procedure pursuant to which the First
Information Report has been instituted on 23rd December, 2014. It
is contended that the case is registered under Sections 366A and
376/34 of the Indian Penal Code. However, the ingredients of the
offence punishable under Section 376 of the Indian Penal Code

would not be attracted against the petitioner. It is further contended that the story narrated in the complaint is highly unbelievable as it is not expected that a mother would instigate her son to commit rape upon a married lady so that she may agree for marriage with her son.

Learned counsel for the State has opposed the application for bail to the petitioner.

Regard being had to the facts and circumstances of the case, the petitioner above named who is in custody since 16.6.2016, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul, in connection with Mahila P.S. Case No. 125 of 2014.

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(Ashwani Kumar Singh, J)

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