

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37700 of 2018

=====

Arati Devi @ Aarti Devi W/o Sri Om Prakash Rai, R/o Vill.- Karahi, P.S.-
Baniyapur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 02-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending her arrest in a
case registered for the offences punishable under Sections 366
and 494/34 of the Indian Penal Code.

The prosecution case as per the written report
of Daresh Rai dated 15.04.2018 submitted to the Station House
Officer, Jalalpur P.S. is to the effect that on 11.03.2018 the
petitioner Arati Devi and co-accused Baharan Rai came and
stayed at the house of the informant and enticed the wife of the
informant namely, Basanti Devi along with Rs.40,000/-,
jewellery and went with one minor child out of three children.

It is submitted by learned counsel for the
petitioner that the petitioner is the maternal sister of the wife of



the informant. The whole prosecution case suggests that the informant's wife, Basanti Devi has illicit relationship with one Rakesh, who has not been named by the informant in the FIR, but in statement under Section 164 Cr.P.C. the victim has stated that the petitioner and Rakesh came to her house and stayed and when Arati Devi complained abdominal pain in the early hours then Basanti Devi took her to Chapra hospital but thereafter, Arati Devi escaped from the scene and thereafter, Sanjay and Rakesh took the victim to Kolkata and kept her for more than a month where Rakesh used to have physical relationship with her. Hence, it is submitted that statement under Section 164 Cr.P.C. of the suggests that the victim on her own went in the company of Rakesh, but she has not named Baharan Rai, however, in FIR it is stated that Baharan Rai came and stayed in the house.

Learned APP, however, submits that the petitioner is named in the FIR.

Considering the inconsistency in the accusation levelled by the informant in the First Information Report and in statement under Section 164 Cr.P.C by the victim coupled with the fact that the accusation is under Section 366 or 494 of the Indian Penal Code prima facie, made out against Rakesh and Sanjay, petitioner being a lady and a statement



has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Jalalpur P.S. Case No. 64 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

