

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.233 of 2018

Arising Out of PS.Case No. -143 Year- 2017 Thana -DAGARUA District- PURNIA

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1. Ugani daughter of Jagdish Bishwas
2. Jagdish Bishwas, son of Late Sonai Vishwas. Both Resident of
Village- Kohila, P.S.- Dagarua, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-01-2018

Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular
bail in connection with Dagaruwa P.S. Case No. 143 of 2017
registered for the offence punishable under Sections 341, 323,
376, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it
is a case of false implication of the petitioner and there is no
prima facie evidence to connect the complicity of this petitioner
in the alleged occurrence. It is further submitted that petitioner
no. 1 is the daughter of petitioner no. 2 against whom the
allegation is that she was taking out the victim girl to one Dipak
Kumar, son of Gujai Mandal, and taking an advantage of her
being a dumb and handicapped the victim girl was being
subjected to rape by said Dipak Kumar.



On the other hand, learned Additional Public Prosecutor for the State submits that in the present case the petitioner no. 1 has actively played her role by taking out the victim girl to said Dipak Kumar and then subjecting her to the heinous offence of rape which was being committed by the said Dipak Kumar. In lieu of this petitioner no. 1 was receiving some petty amount. So far as petitioner no. 2 is concerned, there is no specific allegation against him.

Considering the facts and circumstances of the case, let petitioner no. 2 namely, Jagdish Bishwas be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Dagaruwa P.S. Case No. 143 of 2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

So far as prayer for bail of petitioner no. 1 namely, Ugani, is concerned, it is rejected at this stage.

This application is partly allowed.

(Rajeev Ranjan Prasad, J.)

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