

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19724 of 2018

Arising Out of PS. Case No.-41 Year-2017 Thana- ANDER District- Siwan

ASHA DEVI @ ASHA SINGH, W/o Ram Jeevan Singh, R/o Village- Korara,
P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 366, 376, 506 and
120B of the Indian Penal Code.

Initially the prosecution case got initiated with filing of
Complaint Case No.109 of 2017, which came to be registered as
police case being Andar P.S Case No.41 of 2017, after its being
transferred under Section 156(3) of the Code of Criminal
Procedure.

The informant has alleged that on 10.11.2016, at
10.00A.M. her daughter Neha Kumari left the house for school.
On the way, the petitioner, Asha Devi and co-accused, Radha
Mohan Singh, sprayed some sedative on her and was kidnapped



on a motorcycle. The informant's daughter returned home on 24.12.2016. It is also alleged that co-accused Radha Mohan Singh ravished the informant's daughter.

It is submitted by learned counsel for the petitioner that for the occurrence of 10.11.2016, the complaint was filed on 12.01.2017 and the delay has not been explained. Consequently, the FIR was lodged on 01.03.2017, though the victim returned home on 24.12.2016 of her own. Statement of the victim was recorded under Section 164 of the Code of Criminal Procedure on 01.04.2017, wherein, she has not named the petitioner. The petitioner has been roped in, in the present case since she happens to be sister-in-law (bhabhi) of co-accused Radha Mohan Singh and the petitioner and the informant are related to each other. It also appears that other female accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 56872 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the fact that accusation levelled in the FIR has not been corroborated by the statement of the victim girl



recorded under Section 164 of the Code of Criminal Procedure, wherein, she has not named this petitioner, delayed filing of complaint and the petitioner being lady, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any 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 12 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 learned ACJM, Siwan, in connection with Andar P.S. Case No.41 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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