

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55875 of 2018

Arising Out of PS. Case No.-81 Year-2016 Thana- MAHILA PS District- Jehanabad

Sinki Kumari, Daughter of Raj Kumar Paswan, Resident of Village- Murgaon,
P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioner and

the State.

The petitioner who is an unmarried girl seeks bail

in anticipation of her arrest in connection with Jehanabad

Mahila P.S. Case No. 81 of 2016 dated 08.12.2016

instituted for the offences under Sections 341, 323, 376,

504, 506 and 34 of the Indian Penal Code and Section 4 of

the POCSO Act, 2012.

The prosecutrix has alleged that while she was

going to appear in the examination along with the petitioner,

who also was an examinee, the petitioner got down from the

vehicle on the pretext of purchasing a pen. Thereafter, the



brother of the petitioner took her to an unknown destination and subjected her to rape.

Learned counsel for the petitioner has submitted that the allegation made in the F.I.R. does not appear to be correct. If the petitioner as well as the informant were going to appear in the examination, there is no reason for the petitioner to get down for purchasing a pen and she would ask the vehicle to go.

In any view of the matter, the allegation of rape is on the brother of the petitioner who has been arrested and is in custody. The allegation further refers to the fact that when this act of brother of the petitioner was reported to the parents of the petitioner, the mother and sister of the petitioner assaulted the parents of the victim.

So far as the petitioner is concerned, the investigation papers only refer to the fact that the petitioner had accompanied the victim in a car for some time, whereafter she got down from the vehicle.

Learned counsel for the State has submitted that there appears to be a well hatched conspiracy for taking



away the victim by the brother of the petitioner for immoral purposes.

In any view of the matter, taking into account that the petitioner is an unmarried girl and does not have any criminal antecedent and that her sister and mother have been granted anticipatory bail by a Bench of this Court, the petitioner above-named is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1st, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 81 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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