

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6048 of 2018**

Arising Out of PS. Case No.-66 Year-2015 Thana- MAHILA P.S. District- Madhubani

Indu Devi, Wife of Surendra Sadai, Resident of Village- Sundar Birajeet,  
Tola- Udhaba Musahar, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      02-02-2018              Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Mahila P.S. case No.66 of 2015 corresponding to G.R. No.44 of 2015, registered for the offence punishable under Sections 4/17 of the POCSO Act.

Allegation has been made that while the informant was sleeping on the roof, the petitioner asked her to go along with him for natural call and whereafter took her to house, where co-accused Sunil Sadai had committed rape upon her. Allegation of connivance has been against the petitioner. In statement recorded under Section 164 of the Cr.P.C., the victim has given a new twist to the whole story and there she has stated that while she was sleeping on the roof, an unknown person came



and tried to outrage her modesty. She could not identify Sunil Sadai, against whom she had made allegation of committing of rape. Said Sunil Sadai has already been granted anticipatory bail vide Cr.Misc.No.26350 of 2016.

Looking to the aforesaid facts, let the petitioner, namely, Indu Devi, be released on anticipatory bail in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the 1<sup>st</sup> Additional District and Sessions Judge, Madhubani in connection with Mahila P.S. case No.66 of 2015 corresponding to G.R. No.44 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner will co-operate in the investigation and whenever he was called by the police she will present himself. In failure to appear on two consecutive dates, the Investigating Officer will be at liberty to pray before the court below for cancellation of anticipatory bail.

**(Shivaji Pandey, J)**

Narendra/-

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