

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56957 of 2017

Arising Out of PS.Case No. -214 Year- 2017 Thana -KADWA District- KATIHAR

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1. Kalpana Devi, wife of Shree Raghunath Mehta resident of village
Mohammadpur, Police Station Kadwa, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kadwa P.S. Case
No. 214 of 2017 instituted for the offence under Sections
376,342,341,323 of the IPC and Section 4 of the POCSO Act.

It is alleged in the written report that victim girl Rinku
Kumari aged about 17 years, while she was returning from her
school at about 3.00 pm, one Renu Devi called her and offered
breakfast. She became unconscious after taking breakfast.
Thereafter, Rinku Devi locked the room, where co-accused,
namely Sintu Kumar was already present there, who committed
rape with the victim girl and fled away.

Learned counsel for the petitioner has submitted that
the statement of victim girl has been recorded under Section 164
Cr.P.C., wherein, she has specifically stated that co-accused Sintu



Kumar committed rape upon her. She has not leveled any specific allegation of overt act against this petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kadwa P.S. Case No. 214 of 2017 to the satisfaction of learned Special Judge, POCSO Act, Katihar subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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