

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42666 of 2018

Arising Out of PS.Case No. -23 Year- 2018 Thana -KHAJEKALA District- PATNA

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1. Asha Devi, Wife of Shiv Kumar Mahto @ Shiv Mahto @ Bantha,
2. Chandani Devi @ Chandani Kumari, Wife of Santosh Kumar Both
resident of Mohalla- Mangal Talab, Machharhatta, Noniya tola, P.S.-
Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Special Case no.22 of 2018 arising out of Khajekalan P.S.Case No.23 of 2018 registered for offences punishable under Sections 376, 341, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner as per FIR is that the co-accused has committed rape upon the minor daughter of the informant and when the informant along with his daughter and wife tried to go to the police station, they were confined in the house and later on with the efforts of the other persons the door was broken and they were get freed.



Submission of the learned counsel for the petitioner is that there is no allegation of rape against them

Heard learned A.P.P. also, who has opposed the prayer for bail stating that this is a case of rape on the minor and further these accused persons have confined the informant and others in the house to prevent them for going to the police station.

Having heard both sides and in view of the facts and circumstances, as stated above, this is not a case for grant of anticipatory bail rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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