

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70782 of 2018

Arising Out of PS. Case No.-337 Year-2017 Thana- KHIJARSARAI District- Gaya

Indu Devi, Wife of Late Jitendra Yadav, Resident of Village- Balchandbigha,
P.S.- Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar. null null

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar
For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 341, 323, 354/34 of the Indian Penal Code and Sections 4/8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report of Ashok Kumar Singh dated 23.11.2017 submitted to the O.P. Incharge of Sarbahada O.P., P.S. - Khizersarai is to the effect that on 18.11.2017 at about 7.00 A.M. the daughter of the informant, Saloni Kumari, aged 14 years had gone to ease herself, when co-accused Abhiram Kumar misbehaved with the daughter of the informant. On hearing the alarm when the wife of Manoj Kumar went there then co-accused Abhiram Kumar



escaped from the scene. Thereafter the informant went to protest at the house of co-accused Abhiram Kumar, then co-accused Abhiram Kumar, Ramuchit Kumar, this petitioner and others began to assault the informant.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Abhiram Kumar and petitioner is the mother of co-accused Abhiram Kumar. It is further stated that for the occurrence of 18.11.2017, the FIR has been registered on 23.11.2017 which reached to the Court of learned Special Judge on 29.11.2017 which suggests that the FIR is antedated. It is further submitted that even assuming the accusation to be true, no offence under Section 354 IPC is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the First Information Report.

Considering the fact that thrust of accusation is against co-accused Abhiram Kumar, petitioner is a lady, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Gaya in connection with Khizersarai P.S. Case No. 337 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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