

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5722 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- MAHILA P.S. District- Vaishali

Priya Rani, aged about 40 years, (female), Wife of Rajesh Paswan @ Machhu Paswan, Resident of Village-Chohatta, Chipi tola, Ward No. 32, P.S.- Hajipur (Town), District Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 511, 504, 506 and 34 of the Indian Penal Code and Sections 4, 18, 8 and 12 of the POCSO Act.

The prosecution case as per the written statement of Meena Devi submitted to the S.H.O., Mahila P.S., Vaishali is to the effect that the daughter of the informant namely, Puja Kumari, aged about 10 years, was returning from her school to her home and as soon as she reached near the R.N. College, co-accused Anukul Kumar along with his friends stopped her, snatched her bag and asked her to undress herself. On protest being made,



she was threatened by the co-accused persons with knife and gun. Thereafter, the daughter of the informant went home and conveyed to her parents about the incident. Whereupon, the informant went to the house of co-accused Anukul Kumar, then co-accused Ajay Kumar, the brother of the co-accused Anukul Kumar and the petitioner, being mother of Anukul Kumar started abusing, pelted stones and bricks on the informant.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the co-accused, Anukul Kumar and there is no injury report on record to suggest that the informant was assaulted by the petitioner and co-accused persons. It is further submitted that the petitioner was roped in the present case, only because she is mother of co-accused, Anukul Kumar. Moreover, the statement of the victim girl recorded under Section 164 Cr. P.C., wherein she has not named the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation of assault against the petitioner.

Considering the fact that the thrust of accusation is against the co-accused, Anukul Kumar and the accusation of



assault by the petitioner, not being corroborated by any medical opinion, moreover the petitioner being a lady, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge 1st-cum-Spl. Judge, POCSO, Act, Vaishali at Hajipur**, in connection with **Mahila P.S. Case No.11 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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