

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40474 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- MAHILA P.S. District- Purnia

Abha Jha, Daughter of Shri Anil Kumar Jha, Resident of Sidharth Nagar
Palika, Ward No.3, Khajana Bhairahawa, District- Ruban Dehi, Nepal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Saroj Devi @ Saroj Devi, Wife of Late Basuki Nath Jha,
3. Aditya Nath Jha @ Kumar Aditya @ Adity, Son of Late Basuki Nath Jha,
4. Sradha Jha, Wife of Aditya Nath Jha @ Kumar @ Adity,
5. Rahul Kumar Jha @ Rahuk Kumar, Son of Late Basuki Nath Jha,
6. Kumar Paras, Son of Late Basuki Nath Jha,
7. Kalyani Devi @ Kalyani Kumari, Wife of Kumar Prasad, All residents of
Sipahi Tola, Chunarpur Road, P.S.- K. Hat, Madhubani, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 06-03-2019 Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

This application is filed for cancellation of bail of
opposite party nos. 2 to 7, who have been granted anticipatory
bail by this Court on 06.06.2017 vide Cr. Misc. No. 19846 of
2017 in connection with Purnea Mahila P.S. Case No. 12 of
2017 registered for the offences punishable under sections 323,
341, 307, 504, 498A/34 of the Indian Penal Code, Section 3/4 of
the Dowry Prohibition Act and section 3/4 of the Domestic



Violence Act.

Submission of learned counsel for the petitioner is that on perusal of the confessional statement (Annexure-1), she (victim/informant) herself recorded her statement under section 164 of Cr. P.C. stating therein that she was gang raped by her elder and younger brother-in-laws and also by her husband.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of the petitioner by contending that there is no ground to cancel the bail of opposite party Nos. 2 to 7 because the bail was granted to the opposite parties on 06.06.2017 and thereafter, the confessional statement of the petitioner/victim was recorded on 10.07.2017.

Having considered the facts and circumstances of the case and the submissions advanced by the learned counsel for the parties, the application of the petitioner for cancellation of bail of opposite parties no. 2 to 7 is rejected.

(Arvind Srivastava, J)

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