

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77452 of 2018

Arising Out of PS. Case No.-240 Year-2018 Thana- BELAGANJ District- Gaya

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Pramila Devi @ Sabita Devi W/o Dhananjay Kumar, R/o Vill.- Nandu Bigha,
P.S.- Belaganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 10-01-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Belaganj P. S. Case No.240 of 2018 registered under
Sections 376(d) of the Indian Penal Code and 3 of the Protection
of Children from Sexual Offences Act.

It is submitted by the learned counsel for the
petitioner that allegation of rape is against the husband of the
petitioner, namely, Dhananjay Kumar and one Nitish Kumar. As
far as the petitioner is concerned, the informant has not
whispered a word that on 05.08.2018, when she was subjected
to rape, the petitioner was even present at the place of



occurrence. Her name has been given by the informant in her written statement lodged on 12.08.2018 wherein she has alleged that the petitioner again asked her to allow her husband to have sex with her. He contended that the allegation made by the informant against the petitioner seems to be highly improbable, as no wife would ever like her husband to have sex with some other girl.

Per contra, learned counsel for the State submitted that it is true that on the date of commission of offence, the petitioner's presence has not been alleged by the informant, but her name has been given by the informant in her written statement with allegation that she tried to allure the informant to have sex with her husband.

Having heard the parties, since there is no allegation in the FIR that the petitioner was instrumental in any manner in commission of the offence of rape as also that there is inordinate delay of seven days in filing the FIR, in the event of arrest or surrender before the court below, she is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in Belaganj P. S. Case No.240 of 2018, subject to the conditions as



laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J)

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