

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74375 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

1. MEGHA KUMARI @ MEGHA DEVI Wife of Somen Kumar R/O Punjabi Mohalla, P.S.- Kawaiya, District - Lakhisarai.
2. Mina Devi Wife of Bharat Modi R/O Santar Mohalla Purani Bazaar, P.S. and District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Lakhisarai Mahila Thana P.S. Case No. 23 of 2019, disclosing the offence under Sections 376, 420, 341, 323, 325, 504/34 of the Indian Penal Code.

Petitioner no. 1 is wife of the main accused Somen Kumar, whereas petitioner no. 2, his mother-in-law. There is allegation against the said co-accused of having exploited the informant sexually keeping her in dark about his marriage with petitioner no. 1. It is alleged in the FIR that these petitioners assaulted the informant when she had raised grievance against the conduct of the main accused.



Learned counsel appearing on behalf of the petitioners has submitted that no offence under Section 376 of the IPC can be said to be made out against these petitioners on the basis of what has been alleged in the FIR.

I find substance in the aforesaid submission. This application is accordingly allowed.

Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned SDJM, Lakhisarai in Lakhisarai Mahila Thana P.S. Case No. 23 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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