

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54860 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- MAHILA PS District-
Gopalganj

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Sangita Kumari D/o Sukai Yadav, R/o Village- Sukdeo Patti, P.S. Gopalpur,
District- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 05-02-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 376(2)/34 of the Indian Penal Code and Sections 4, 6, 8, 17 of the POCSO Act, 2012 registered in connection with Gopalganj Mahila P.S. Case No. 13 of 2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute. The F.I.R. has been instituted belatedly on 18.03.2018 for the alleged occurrence of 16.03.2018 which casts serious doubt about the veracity of the accusation. Co-accused Bhim Thakur who is said to have committed rape upon the informant has been granted bail by this Court in Cr. Misc. No. 62350 of 2018.

4. A perusal of paragraph-42 of the case diary containing the injury report of the informant discloses that no injury was found at the private part nor there is any evidence of sexual assault. The petitioner claims clean antecedents. The informant's age has been assessed as 18-19 years.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 13 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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