

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10658 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- SINGHIYA District- Samastipur

Manju Devi @ Manjula Devi, aged about 50 years, Gender Female, wife of Laxman Paswan @ Lachhman Paswan, @ Lakshaman Paswan, resident of village Baluaha, Post Office Jahingirpur Lagma, P.S. Singhia, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Shrivastava, Sr. Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2020 Heard Mr. Keshav Shrivastava, learned senior counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends her arrest in connection with Singhia P.S. Case No. 149 of 2019 registered for the offence punishable under Section 376/313/315/34/120(b) of the I.P.C.

The allegation against the petitioner as per the First Information Report lodged by the informant is that Randhir Paswan, son of this petitioner, exploited sexually the informant for the last one year on the pretext of performing marriage with her and when the informant became pregnant then, co- accused / Randhir Paswan along with other accused persons including the



petitioner took the informant to a doctor namely, Dr. Dipak Sharma and got her foetus aborted.

Learned senior counsel for the petitioner submits that petitioner is a lady and she has falsely been implicated in this case merely on the basis of the fact that she happens to be the mother of the co-accused / Randhir Paswan, who allegedly sexually exploited the informant on the pretext of marriage. Learned senior counsel referring to Annexure 2 to this anticipatory bail application further submits that both the parties are co-sharers and there is a land dispute between them for which a proceeding under Section 107 of the Cr.P.C. was initiated on the basis of Police report dated 08.06.2017 but subsequently, the learned Magistrate vide its order dated- 29.05.2018 dropped the proceeding on the ground that there is land dispute between the parties. Learned senior counsel further submits that family members of various branches have been implicated in this case.

On the other hand, learned counsel for the State submits that the petitioner is named in the First Information Report and the co-accused Dr. Deepak Sharma @ Dr. Deepak Kumar Sharma has been granted regular bail as such, the petitioner does not deserve the privilege of anticipatory bail.



Having regard to the submissions made by the parties and taking into consideration the fact that petitioner is the mother of the co-accused / Randhir Paswan, both the parties are co-sharers and there is no direct allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge , 1st cum Special Judge, POCSO, Samastipur in connection with Singhia P.S. Case No. 149 of 2019 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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