

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 10947 of 2020

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1. Rupam Kumari Daughter of Madan Mahto, resident of village-Rasulpur, P.S.-Medni Chowki, District-Lakhisarai
 2. Rinku Devi wife of Madan Mahto resident of village-Rasulpur, P.S.Medni Chowki, District-Lakhisarai

Petitioners

Versus

The State of Bihar

Opposite party

Appearance

For the Petitioners : Mr. Vikram Jeet , Advocate

For the State : Mr. Md. Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 03.09.2020 Heard learned counsel for the petitioners and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Medni Chowki P.S. Case No. 69 of 2019 registered under section 376 of the Indian Penal Code and sections 3 and 4 of the POCSO Act.

As per allegation in the F.I.R, it is stated that accused



Manish Kumar took away the 7 years old minor daughter of the informant and committed rape on her. It is further stated that the other accused persons assured that they would get the victim treated. The petitioner no.1 who happens to be the sister of Manish Kumar is stated to have threatened the informant of dire consequences in case she lodged the case. It is stated that she is a nurse and is getting the victim treated somewhere. The informant further states that the petitioner no.2, mother of aforesaid Manish Kumar also threatened her.

It is submitted by learned counsel for the petitioners that so far as the petitioners are concerned, they are ladies and have been falsely implicated in the case as a result of their relationship with co-accused Manish Kumar. The allegation levelled against them are false and concocted, only with the view to implicate other members of the family. On instructions, it is further stated that co-accused Manish Kumar is in custody. There is an unexplained delay of 6 days in lodging of the F.I.R. and the petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration that the main allegation is against co-accused Manish Kumar who is stated to be in custody, the petitioners being females having no criminal antecedent, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Medni Chowki P.S. Case No. 69 of 2019, they will be enlarged 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 the learned 1st Additional District and Sessions Judge-cum-Special Judge, Lakhisarai subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

Bibhash

(Partha Sarthy, J)

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