

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16739 of 2020**

Arising Out of PS. Case No.-7 Year-2019 Thana- MAHILA P.S. District- Banka

MOUSAM DEVI D/o Arbind Mandal Resident of Village-Indrasen, Police
Station-Amarpur, District-Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2020 Heard Mr. Ajay Mukherjee, learned counsel for the

petitioner and Ms. Suman Kumari Singh, learned A.P.P. for the

State.

The petitioner, in the present case, is seeking
anticipatory bail in connection with Banka Mahila P.S. Case No.
07/2019 registered for the offences under Sections 376, 120(B),
506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is
a case of over implication in which in order to harass each and
every member of the family of the main accused Rahul Mandal
all other family members had been made accused. It is
submitted that this petitioner is the sister of said Rahul Mandal
and she is married and residing in her own Sasural. In the First
Information Report by making a vague kind of allegation that



the accused persons had an intention to kill the informant, they had surrounded her house but after the villagers came they fled away. Learned counsel submits that it is nothing but a concoction and superimposition of allegation in a case of over implication. It is further submitted that in her subsequent statement the victim has even denied the allegations of rape against the co-accused Rahul Mandal.

Learned A.P.P. for the State has joined the proceeding in the very first round and though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein this petitioner is said to be married sister of the main accused Rahul Mandal and save and except a bald type of allegation in the First Information Report there is nothing against the her, let the petitioner above named in the event of her arrest or surrender within a period of four weeks from today in connection with Banka Mahila P.S. Case No. 07/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

