

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23530 of 2020**

Arising Out of PS. Case No.-395 Year-2019 Thana- KORHA District- Katihar

PUNAM DEVI Wife of Akhilesh Mahaldar @ Akhilesh Mandal Resident of
Village-Musapur, P.S-Korha, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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

4 04-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Dashrath Mehta, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Korha P.S. Case No. 395 of 2019
registered for the offence punishable under Sections 363, 366,
506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
the First Information Report it would appear that this petitioner
had allegedly taken the victim girl to her house from where she
did not return. In course of investigation it has come that she
was arrested along with one Nathu Mahaldar. The said Nathu



Mahaldar is the brother of the present petitioner. Learned counsel submits that this seems to be a case of love affair between the said Nathu Mahaldar who used to live in the village of his sister and was in contact with the victim girl. Allegation is that after her recovery by police along with said Nathu Mahaldar, the victim girl has improved upon her version and in her statement under Section 164 Cr.P.C. she has taken the name of this petitioner also. According to him the thrust of the allegations are against Nathu Mahaldar.

On the other hand, Mr. Dashrath Mehta, learned APP for the State has after going through the case diary submitted that in her statement under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. the victim girl is a minor aged about 15 years has made specific statement that it was this petitioner who had taken her to her house and there she was given some breakfast whereafter she found herself at a different place and then she was asked to live with Nathu Mahaldar and then said Nathu Mahaldar forcibly committed rape on her for three days.

Learned APP submits that the version of the victim girl is in consonance with the statement of her younger sister Laxmi who had narrated to her mother that this petitioner had come and she had taken away the victim girl.



Having regard to the facts and circumstances of the case, wherein this petitioner has been specifically named as involved in the commission of the alleged offence in which the minor victim girl was taken away and she was made to live with the brother of the petitioner who had allegedly committed rape on her, the submission of learned APP for the State is that in such circumstance as a matter of procedure the investigation would require her custodial interrogation, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, her prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

