

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5167 of 2019**

Arising Out of PS. Case No.-38 Year-2019 Thana- SUGAULI RAIL P.S. District- West
Champaran

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MINTU KUMARI wife of Deepak Chaudhary Residence of Village -
Madanpur, Police Station - Ekangarsarai in the district of Nalanda.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-01-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
SC/ST Act against the refusal of prayer for anticipatory bail vide
order dated 25.09.2019 passed by learned Addl. Sessions Judge-
I-cum Special Judge, SC/ST Act, West Champaran at Bettiah in
connection with Rail Sugauli (Bettiah) P.S. Case No. 38 of
2019, registered under Sections 376(b) and 376(c)/34 of the
Indian Penal Code, Section 4, 6 of the POCSO Act and Section
3(i)(xii) of the SC/ST Act.

Accusation is that due to love affairs, informant
aged about 15 years fled away with Tunnu Sah in the year 2017
regarding which her mother Budhiya Devi lodged the case at
Kangali Police Station in which due to her minority, she was



kept in Remand Home on the order of the Court. Thereafter, on 07.01.2019, she was being taken boarding on train for attending the Court at Bettiah in security of Home Guard and Constable No. 3335 Mintu Kumari (Appellant). In the way, Tunnu Sah also boarded in same train and he called her giving signal then she reached in the bathroom in which Tunnu Sah also entered and committed rape, but she did not disclose to anyone about the said incident. The Superintendent of Remand Home, on suspicion, asked to her then she narrated the incident and in medical examination, she was found pregnant.

Learned counsel appearing on behalf of appellant submits that it would appear from the F.I.R. that petitioner has falsely been implicated in this case mere on suspicion, because, she being the constable was deployed along with Home Guard Vishwanath Singh to take the informant from Remand Home to Civil Court, Bettiah through train. Moreover, the informant had not made any allegation against the appellant regarding insisting her to do sexual intercourse with Tunnu Sah. The appellant, who is constable, has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of her arrest or surrender before the learned Court



below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I-cum Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Rail Sugauli (Bettiah) P.S. Case No. 38 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Rajendra Kumar Mishra, J)

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