

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87111 of 2019

Arising Out of PS. Case No.-658 Year-2018 Thana- LAKHISARAI District- Lakhisarai

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KHUSHI KUMARI @ KUNTI KUMARI D/o Ram Nandan Pandit @ Rama Nand Pandit Resident of Village - Ram Chandarpur, P.S.- Pipariya, Distt - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate.

For the Opposite Party/s : Mr.Bharat Lal, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-06-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 328/376/34 of the Indian Penal Code and Section 4 of the POCSO Act.

Co-accused Binod Kumar is alleged to have sexually assaulted to the informant. He has already been allowed bail by a co-ordinate Bench of this Court vide order dated 31.07.2019 passed in Cr. Misc. No. 22726 of 2019 considering the material coming during investigation which revealed that the victim and the petitioner were friends and at the time of occurrence they were under influence of liquor. Victim fell down from the roof of the house where they were enjoying liquor. She fell on the



live electric wire causing injury to the victim. The aforesaid material was supported by the medical evidence.

This Court has refused bail to the petitioner on the ground that rape was committed in the house of the petitioner. Petitioner is a female. She is in custody since 19.10.2018. Her case is on better footing to that of Binod Kumar.

Hence, let the petitioner who is a female be released on bail, on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Lakhisarai P.S. Case No. 658 of 2018 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

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(Birendra Kumar, J)

