

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34238 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Lakhisarai

ANARWA DEVI wife of Jawahar Yadav Resident of village- Sansar Pokhar,
Ward No.- 19, Lakhisarai, P.S. and District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Kant Kumar
For the State	:	Mr. T. P. Mandal, APP
For the informant	:	Mr. Lalan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks.

The petitioner is apprehending her arrest in a case
registered under Sections 376, 420/34 of the Indian Penal Code.

Prosecution case, in short, is that the informant was
married to Pankaj Yadav with Hindu rites and rituals. One child
was blessed with the said wedlock. The informant's husband is
traceless for six years. On the pretext of marriage, one night, the
informant's Debar namely Nitish Kumar committed rape upon
the informant/victim.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case due to oblique reasons. The petitioner happens to be mother-in-law of the informant/victim. The husband of the informant/victim is traceless for six years. On the pretext of marriage, the brother-in-law of the informant/victim is said to have established physical relationship with her. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. Hence, no offence under Section-376 of the Indian Penal Code is made out. The petitioner is a lady and can only be an accomplice in this case. Counsel for the petitioner has further relied upon the case of the Hon'ble Supreme Court since reported in 2019 ***SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra & Ors).***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Sub Divisional Judicial Magistrate, Lakhisarai in connection with Mahila P.S. Case No. 15 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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