

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11466 of 2021

Arising Out of PS. Case No.-149 Year-2019 Thana- SINGHIYA District- Samastipur

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MEENA DEVI (Female), aged about 42 years, Wife of Raneshwar Paswan @
Rane Paswan, Resident of Village-Baluaha, Police Station-Singhiya, District
– Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Jagdish Prasad Singh, Advocate.
For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending her arrest in a case for

the offence registered under Sections 376, 313, 315, 120(B)/34

of the I.P.C. and 4 of POCSO Act.

The prosecution story, in brief, is that on 22.09.2019

at about 9.00 P.M., the petitioner alongwith eight co-accused

abused, assaulted and threatened the informant Janki Kumari to



leave the village otherwise she would be killed. Co-accused Randhir Paswan established physical relationship with her since last one year on the pretext of marriage and when she became pregnant then co-accused Randhir Paswan, Cheddi Paswan, Ram Chandra Paswan, Vibhishan Paswan, Meena Devi (petitioner), Manju Devi, Urmila Devi and Punit Paswan took her forcibly to the clinic of Dr. Deepak Sharma and got her pregnancy aborted on 06.09.2019 due to which she bled badly and for next few days she remained short of unconscious and weak. When she got conscious, she went to co-accused Randhir Paswan and requested him to marry her as she had already been sexually exploited and her child was also aborted then all the accused persons assaulted her and ousted her from the home and threatened further that if she would file any case she would be killed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is a lady. The main allegation is against co-accused Randhir Paswan who had established physical relationship with the victim on the pretext of marriage.



The said relationship was consensual between the parties. The petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra and Ors) reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.

On behalf of the State, it is submitted that the petitioner is named in the 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Vith-cum-Special Court, POCSO, Samastipur, in connection with Singhiya P.S. Case No. 149/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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