

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6159 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- SONEPUR District- Saran

INDU DEVI WIFE OF BAIJU MAHTON R/O VILLAGE- SHIKARPUR,
P.S.- SONEPUR, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 363(A), 376, 313, 120(B) of the Indian Penal Code read with Sections 4 and 8 of the POCSO Act.

The informant alleges that Rajiv Kumar had trapped the victim in his love and had repeatedly had sexual intercourse with her and when the victim got pregnant, the other accused persons, including the petitioner, forced her to miscarriage, it is next submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case and has stated that accused Rajiv Kumar had established physical relationship with her as a result of which she got



pregnant and when mother of Rajiv Kumar came to know about her pregnancy, then she took her to hospital and forced her to abort.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case only because she is mother of Rajiv Kumar, it is next submitted that though it is stated that victim has supported the prosecution case and has stated that this petitioner being mother of Rajiv Kumar had taking her to a doctor in hospital for carrying out the abortion but neither the doctor's name nor the name of the hospital has been disclosed in Section 164 Cr.P.C. statement that amply demonstrates that the petitioner came to be implicated only because of her son's relationship with the victim.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her 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) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonapur P.S. Case No. 198 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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