

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46900 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- KATRA District- Muzaffarpur

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1. KANTI DEVI WIFE OF BHIKHARI KAMTI Resident of village- Gangiya, P.S.- Katra, District- Muzaffarpur.
 2. SONAHI DEVI WIFE OF LADDU KAMTI R/O VILLAGE- BRAHAMPURA, P.S.- KAMTAUL, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Mohan Tripathi

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 At the outset, learned counsel for the petitioner submitted that in the cause list of the bail petition, inadvertently, name of petitioner no. 1 has been wrongly typed as 'Kani Devi' instead of 'Kanti Devi'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Katra P.S.



Case No. 47 of 2022 registered for the offence under Sections 376, 120(B) of the IPC and 4 and 6 of POCSO Act.

The accused/petitioners are named in the F.I.R. and are in custody since 06.07.2022.

The allegation against the petitioners, who are mother and sister of main co-accused, namely, Kundan Kumar, who alleged to commit rape/penetrative sexual assault upon the informant, who is aged about 17 years.

Learned counsel appearing on behalf of the petitioners submitted that the thrust of allegation as regard to rape/penetrative sexual assault is upon main co-accused, namely, Kundan Kumar, where implication of petitioners is only for the reason that petitioner no. 1 is the mother of one main co-accused, where petitioner no. 2 is the married sister of main co-accused. While concluding the argument, it has been submitted that both the petitioners are ladies having clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant while, opposing the prayer of bail submitted that petitioners actively participated in the occurrence.



Considering the facts and circumstances as mentioned above, as both above named petitioners are ladies of clean antecedent and appear to be relatives of main co-accused coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Katra P.S. Case No. 47 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Act, Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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