

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54795 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- CHHATAPUR District- Supaul

LALITA DEVI Wife of Arvind Kumar Yadav @ Arvind Yadav R/V- Kathara,
Ward No. 9, P.S- Chhatapur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 365, 366(A) and 34 of the Indian Penal Code and Sections 8 and 17 of the POCSO Act.

The informant alleges that his minor daughter aged about 14 years was kidnapped by the accused persons including the petitioner.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a women. Learned counsel further submits that the petitioner has been falsely implicated in the present case, it is next submitted that the victim was recovered and her statement was recorded under



Section 161 of the CrPC, wherein, she has not even whispered about the role of the present petitioner but when her statement was recorded under Section 164 of the CrPC, wherein, she has named the petitioner and has alleged that she caught her and Amresh put vermilion on her forehead. It is next submitted that allegation of rape is against Amresh Kumar Yadav. Learned counsel further submits that though in the FIR, it has been alleged that the victim is a minor aged about 14 years and had alleged that she was raped by Amresh but then her medical report negates the allegation of rape as it has come that her hymen was found intact, it is also submitted that petitioner is not named in the FIR and she has no relation with Amresh rather is a co-villager and is wife of one of the named accused persons Arvind Kumar, as such, she has been implicated.

Learned counsel for the petitioner next submits that it absolutely does not stand to reason that as to why the petitioner would have caught the victim and then Amresh would have put vermilion on her head. The allegation itself does not inspire any confidence. It is next submitted that the purpose of arrest is not to punish but to ensure that the investigation is not hampered, further, the petitioner will cooperate in the investigation and will present herself before the Investigating Officer of the case as



and when required so that the investigation is not hampered and the truth also comes out.

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 his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Chhatarpur P.S. Case No. 332 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

