

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14668 of 2023

Arising Out of PS. Case No.-9 Year-2019 Thana- MAHILA P.S District- West Champaran

Komal Kumari @ Prabhawati Kumari @ Khushboo Kumari D/O Late
Satendra Singh R/O Village- Dumraw, P.S.- Pakri Barwa, District- Nawada
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 24-04-2023 1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Sadar Mahila Bettiah P.S. Case No. 09 of 2019 dated 01.06.2019 registered for the offences punishable under Section 376(D) of the Indian Penal Code and Sections 4, 8 and 17 of the POCSO Act.
4. The main submissions advanced by petitioner's counsel are that the petitioner is elder sister of the victim, the allegation of rape is against co-accused Ankit Kumar, though the victim levelled some allegation against the petitioner in her statement recorded under Section 164 of Cr.P.C. but she did not



support the said allegation before the trial Court in her deposition, of which copy has been filed as Annexure-3 and she clearly stated before the trial Court that she made allegation against this petitioner at the direction of the police and in cross-examination, she stated that her sister never asked her to go somewhere and she remained under treatment for mental problem.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions made by petitioner's counsel as well as the facts that the victim has been recovered and she has recorded her evidence before the trial Court and the petitioner is stated to be elder sister of the so-called victim and main allegation of rape is against co-accused Ankit Kumar, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sadar Mahila Bettiah P.S. Case No. 09 of 2019.

(Shailendra Singh, J)

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