

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17953 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- MAHILA PS District- Gaya

SUNITA DEVI wife of Inder Das Village- Bar Ps- Sherghati Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 No one has appeared on behalf of the petitioner,
although Mr. Jitendra Kumar Singh, learned APP is present.

The petitioner is apprehending his arrest in connection with Mahila P.S. Case No 86 of 2022 for the offence under Sections 313, 376, 34 and 506 of the I.P.C. lodged on 13.10.2022 by the informant Sushma Kumari.

The prosecution story, in brief, is that the informant had gone to 'badhar' to attend the call of nature where she was raped by Rohit Kumar. It was alleged that the informant thereafter became pregnant. Informant gave this information to her mother. The mother and grandfather of the informant went to the petitioner's home and made complaint to his mother, but later mother of Rohit came to her home, when no body was in her home and with help of a quack made her to abort.



Consequently she became ill, her mother asked the reason, on which she narrated her whole fact. Accordingly, the F.I.R.

As per the petition, the petitioner is the mother of Rohit Kumar, is a lady, having no criminal antecedent, the allegation of rape is on Rohit Kumar, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Mahila P.S. Case No 86 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of her bail bonds.

With the aforesaid observations, the anticipatory bail
application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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