

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25290 of 2023

Arising Out of PS. Case No.-325 Year-2020 Thana- BAUNSI District- Banka

Rekha Devi Widow Of Late Bangali Mahto R/O Village- Rohini Azan Tola,
P.S.- Jasidih, Distict- Deoghar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2023 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 366(A), 376, 323 and 504 of the Indian Penal Code and Section 4 of the POCSO Act.

The allegation against the petitioner is that she abused, assaulted and chased the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner, there is specific allegation against co-accused Kanhaiya Kumar, who



established physical relationship with the victim. He submits that the occurrence took place on 08.08.2019 and the FIR was lodged on 28.12.2020, after delay of more than one year and there is no explanation regarding delay, which creates serious doubt on the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Bounsi P.S. Case No. 325 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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