

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31265 of 2023

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Saharsa

Usha Devi Wife Of Baleshwar Sah @ Balo Sah Resident Of Laxminiya Ward
No 1, Police Station - Sour Bazar (Bajnathpur Op), District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 342, 365, 366(A), 376(D) and 34 of the Indian Penal Code read with Section 4 of the POCSO Act.

3. Learned counsel for the petitioner submits that the petitioner is a woman having clean antecedent and the informant alleges that on 16.02.2019, three named accused persons, including the petitioner, along with four-five unknown enticed her minor daughter and one another girl and took them to the house of Madan Yadav where rape was committed, thereafter it is alleged that on the next day, the victims stated that Nitish and two others had committed rape with them.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that a general and omnibus allegation is alleged that petitioner was also involved in kidnapping of the victims, it is further submitted that a compromise petition (Annexure-4 to the anticipatory bail application) has been filed and the case has been compromised.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Saharsa Mahila P.S. Case No. 8 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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