

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36048 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- GAMAHARIYA District- Madhepura

ANAR DEVI W/O SUKHNANDAN YADAV @ AGHORI YADAV R/O
Village- Chikni Phulkaha, Ward No.-7, P.S- Gamharia, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39560 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- GAMAHARIYA District- Madhepura

Lata Devi @ Prem Lata Devi Wife of Ranjit Kumar Resident of Village-
Chikni Phulkaha, Ward No. 7, PS- Gamhria, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36048 of 2023)

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 39560 of 2023)

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2023

IN CR. MISC. NO. 36048 OF 2023

Heard learned counsel appearing on behalf of the
parties.

2. The petitioner seeks bail in connection with
Gamharia P.S. Case No. 119 of 2022 registered for the offence
under Sections 341, 323, 376 and 313/34 of the Indian Penal



Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 09.04.2023.

4. The allegation against the petitioner is to terminate the pregnancy of daughter of informant along with other co-accused persons, where, daughter of informant was alleged to raped by the son of this petitioner, namely, co-accused, Ranjit Kumar.

5. Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation as to commit rape is available against son of this petitioner, namely, Ranjit Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 25978 of 2023 dated 24.05.2023. It is submitted that only to implicate whole family, this petitioner being mother was implicated in this case, where medical prescription dated 17.06.2022 of victim does not suggest treatment of abortion/termination of pregnancy. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the



State opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as implication of this petitioner is only being mother of main co-accused, namely, Ranjit Kumar, against whom thrust of allegation, as regard to commit rape is available coupled with the fact that charge-sheet has already submitted, where, petitioner is a lady of clean antecedent and is in custody since 09.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Gamharia P.S. Case No. 119 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO Court, Madhepura/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 39560 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Gamharia P.S. Case No. 119 of 2022 registered for the offence under Sections 341, 323, 376 and 313/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.



and is in custody since 09.04.2023.

4. The allegation against the petitioner is to terminate the pregnancy of daughter of informant along with other co-accused persons, where, daughter of informant was alleged to raped by the husband of this petitioner, namely, co-accused, Ranjit Kumar.

5. Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation as to commit rape is available against husband of this petitioner, namely, Ranjit Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 25978 of 2023 dated 24.05.2023. It is submitted that only to implicate whole family, this petitioner being wife was implicated in this case, where medical prescription dated 17.06.2022 of victim does not suggest treatment of abortion/termination of pregnancy. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State opposes the prayer of bail.



7. Considering the facts and circumstances as mentioned above, as implication of this petitioner is only being wife of main co-accused, namely, Ranjit Kumar, against whom thrust of allegation, as regard to commit rape is available coupled with the fact that charge-sheet has already submitted, where, petitioner is a lady of clean antecedent and is in custody since 09.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Gamharia P.S. Case No. 119 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO Court/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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