

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63792 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Renu Devi W/O Bal Kumar Mandal R/O Village- Habibpur Laugany, Ps.Kahalgaon (SHIVNARAYANPUR), District. Bhagalpur
2. Bindu Devi W/O Pairu Mandal R/O Village- Habibpur Laugany, Ps.Kahalgaon (SHIVNARAYANPUR), District. Bhagalpur
3. Arti Devi @ Aarti Kumari D/O Bal Kumar Mandal, W/O Raj Kumar R/O Village- Habibpur Laugany, Ps.Kahalgaon (SHIVNARAYANPUR), Dist. Bhagalpur, At Present, R/O Village- Ganganiya Fatehpur, P.S. Sultanganj, District. Bhagalpur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-10-2023 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kahalgaon (Shivnarayanpur) P.S. Case No. 667 of 2022, disclosing offences punishable under Sections 376, 504, 506 and 34 of the Indian Penal Code and Section 4 / 6 of the POCSO Act and Section 3 (1) (r) (w), 3 (2) (v) of the Schedule Caste and Schedule Tribe Prevention of Atrocities Act.
3. As per the First Information Report, on 03.06.2022 minor daughter of informant had gone to attend the nature's call in an orchard where the co-accused committed rape upon her.



subsequently, on 26.06.2022 while the informant's daughter had gone to the orchard for attending the nature's call she was again raped by co-accused / Chotu Kumar. It has been alleged that when the informant and her family members went to make a complaint about Chotu Kumar before his family members, the petitioners who are mother, sister and other family members of Chotu Kumar, abused them and called them by their caste name.

4. Learned Counsel for the petitioners submits that all the petitioners are women folk of the family of co-accused / Chotu Kumar. The only allegation against them is that they abused the informant and her family members when they made a complaint about Chotu Kumar. The police after investigation submitted final form exonerating the petitioners from the accusation but the learned Magistrate has differed with the final form and took cognizance on 05.01.2023 against the petitioners. Petitioners have got no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration that the petitioners are lady members of the family of co-accused Chotu Kumar and police after investigation submitted final form not sending them for trial, I am inclined to grant the privilege of anticipatory bail to the petitioners.



7. This application is, accordingly, allowed.
8. Let petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 7th cum Special Judge POCSO Court, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 667 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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