

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1475 of 2023**

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHILA P.S. District- Sheikhpura

KANTI BAI DAUGHTER OF GAJE LAL PATEL R/O VILL.- AMODA,
P.S.- HASOUD, DISTT.- JANJGEER CHAPER, STATE- CHHATISGARH,
AT PRESENT RESIDENT OF VILLAGE- SEKRA (SELAR) P.S.-
LALGANJ, DISTT.- BASTI, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 18-05-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 364, 376(D), 379, 120B
and 506 of the Indian Penal Code.

As per prosecution case, when previously
acquaintance co-accused Kusum @ Charan Bai came to
informant hut and weeping and told that a car met with accident
near Sheikhpura, in which her mother was sitting in the car. The
informant boarded with co-accused Kusum @ Charan Bai's
Bolero to go to place of occurrence then Dilchand Patel caught
the hair of the informant and dragged into Bolero vehicle
thereafter, co-accused Kusum @ Charan Bai fled away from



there. It is alleged that the petitioner snatched the informant's purse containing Rs. 40,000/-. It is further alleged that after some distance four persons forcibly raped the informant and co-accused Kalpnath Chaudhary told informant to kill and go out from hut and the petitioner was standing just outside the vehicle, while male accused persons are committing gang rape.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. She has committed no offence. The victim lady has recovered and her statement recorded u/s 164 of the Cr.P.C., in which she does not whisper about the complicity of this petitioner. Petitioner is a matured lady, who is aged about 25 years. The specific allegation of commission of rape to the victim is against co-accused Dilchand Patel and others co-accused. The allegation against the petitioner is that he snatched of Rs. 40,000/- from the informant but no incriminating/stolen article has been recovered from the conscious possession of the petitioner. He submitted that the present case is a counter case because petitioner has been lodged an FIR against the informant and her religious Guru and her Guru's sister lodged an FIR against he religious Guru. He further submitted that the informant is accused of Kotwali P.S. Case No. 3756 of 2017 and due to



malicious and bases reason, petitioner has been implicated in the ornamental story. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 09.09.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as petitioner being a lady, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 66 of 2019.

(Sunil Kumar Panwar, J)

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