

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15685 of 2024

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

Kadamiya Devi, Wife of Late Batan Sah, Resident of Village-Lakhshminiyan,
P.S.-Sourbazar (Bajinathpur O.P.), District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 13-03-2024 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. As per prosecution case, the mother of the informant alleged that her minor daughter and one other minor girl were enticed and taken to the house of the petitioner and gang-raped by other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent widow woman and has falsely been implicated in the present case. He further submits that there is delay of 10 days in filing of the FIR without any plausible explanation and the police has given final form in this case.



However, the learned Magistrate has taken cognizance against this petitioner. There is general and omnibus allegation against this petitioner. She has no criminal antecedent and she is the neighbour of the victim girl. It is further submitted that similarly situated co-accused namely Usha Devi has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 31265 of 2023.

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.

(Sunil Dutta Mishra, J)

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