

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39079 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- DUMRAO District- Buxar

Pinki Kumari @ Pinki Devi, aged about 26 years (F), D/o- Tarkeshwar Prasad, R/O Village- Chatursalganj Dumraon, P.S.- Dumraon, Dist- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dr.Kamal Deo Sharma, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-07-2024 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dumraon P.S. Case No. 70 of 2024 dated 02.03.2024 registered for the offences punishable under Sections 307, 326, 342 and 120B/34 of the I.P.C.

3. As per prosecution case, on 02.03.2024 at about 12.00 o'clock, Pinki Kumari (petitioner) called the informant and told that she was alone at her house and requested to bring something to eat. When he went to her house with coconut water and electoral powder then Pinki Kumari (petitioner) alongwith her brothers attacked him. Her brother, the co-accused Jitendra Kumar, caught hold of him and Pinki Kumari



(petitioner) cut his private part with *Blade*. Her second brother, the co-accused Om Prakash Kumar, gave '*dab*' blow on his head causing head injury. Somehow, he managed to escape from there, upon which, her third brother, the co-accused Dharmendra Kumar, tried to catch him, but he anyhow managed to escape and reached to the Sub-Divisional Hospital, Dumraon and called his relatives. His father came from the house and took him to V.K. Hospital, Buxar for better treatment where he gave his *fardbeyan*. It is further alleged that all the F.I.R. named accused persons called him and attacked with an intention to kill.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered from possession of the petitioner but the police has falsely implicated the petitioner in the present case. It is further submitted that the real fact is that the petitioner was alone at her house and the informant wanted to commit rape on her but after her shouting the neighbourers gathered and after repulsing by them, the informant run away through roof to roof and due this reason the informant sustained injury. It is further submitted that on 02.03.2024, the petitioner's father went to Dumraon Police Station for lodging the F.I.R., against the



informant but the police has not lodged F.I.R., then he lodged a complaint case before the learned C.J.M., Buxar and after order of the learned C.J.M., Buxar, the police lodged Dumraon P.S. Case No. 137 of 2024 for the offence punishable under Section 376 of the I.P.C. against the informant. There is case and counter case between the parties. It is further submitted that from perusal of the injury report, annexed as Annexure-2 to the bail petition, it appears that the doctor has found the injury on the informant as 'Penis scrotum (Mid part of penis) skin bleeding-red, margin-irregular size (1"x1/4"x1/4")' whereas as per the F.I.R., the allegation against the co-accused Jitendra Kumar is of catching the informant and allegation against the co-accused Om Prakash Kumar is of assaulting the informant with '*dab*' on his head causing head injury. The other co-accused Jitendra Kumar and Om Prakash Kumar have been granted bail by a Bench of this Court vide Cr. Misc. No. 34656 of 2024 under order dated 15.05.2024. The petitioner is a lady. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 03.03.2024.

5.Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned senior counsel for the petitioner, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Dumraon P.S. Case No. 70 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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